

TRANSPORTING OIL AROUND THE SANTA BARBARA CHANNEL ISLANDS

HEARING
BEFORE THE
SUBCOMMITTEE ON
COAST GUARD AND NAVIGATION
OF THE
COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES
ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

H.R. 172

TO PROHIBIT VESSELS TRANSPORTING ALASKAN OIL FROM USING
ROUTES THROUGH THE TERRITORIAL AND INTERNATIONAL WATERS
NORTHWARD OF THE SANTA BARBARA CHANNEL ISLANDS

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TRANSPORTING OIL AROUND THE SANTA BARBARA CHANNEL ISLANDS

WEDNESDAY, DECEMBER 9, 1987

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:06 a.m., in room 1334, Longworth House Office Building, Hon. Earl Hutto (chairman of the subcommittee) presiding.

Present: Representatives Hutto, Hughes, Davis, Young, Coble, Saiki, Bunning, and Konnyu.

Also present: Representatives Biaggi, Shumway, and Herger.

Staff present: Gene Hammel, Jeanne Timmons, Larry Innis, Barbara Cavas, Kurt Oxley, Lee Crockett, Duncan Smith, Sherry Steele, Sue Waldron, and Marsha Canter.

STATEMENT OF HON. EARL HUTTO, CHAIRMAN, SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Mr. HUTTO. The Subcommittee on Coast Guard and Navigation will please come to order. Good morning to everybody.

I want to welcome everyone, especially my good friend, Bob Lagomarsino, to our hearing today on his bill, H.R. 172. Congressman Lagomarsino introduced H.R. 172 because of his deep concern about the potentially harmful effects of oil spills on the coastline of southern California, the Channel Islands National Park and the Channel Islands National Marine Sanctuary near his home town of Santa Barbara, California. Also, we are happy to have Congressman Elton Gallegly, who will be joining us, I understand, shortly.

The members of the Merchant Marine and Fisheries Committee are very concerned about the protection of our marine resources and coastlines, and for many years we have studied the effects of oil spills on the environment. There are no easy answers. However, several months ago our committee reported H.R. 1632, the Oil Pollution Liability bill. We came close to passage of similar legislation in the last Congress but could not reach agreement with the Senate on a compromise bill before adjournment.

In an effort to get that legislation moving, last month our committee included the text of H.R. 1632 in our reconciliation package. In addition, Chairman Jones and I have joined Congressman Studds in cosponsoring H.R. 3640, the Marine Sanctuaries bill, to help clarify certain problems with funding repairs of damage to marine sanctuaries caused from many of the different sources.

I can certainly understand Congressman Lagomarsino's concern because I am honored to represent a district with more than 100 miles of the most beautiful beaches in the world. Citizens living along the California coast near Santa Barbara have historically been very concerned about oil spills. I believe that many of us remember the disastrous oil spill of 1969 in Santa Barbara that really started the environmental movement.

This morning the subcommittee will examine the overall situation in the Santa Barbara Channel region with respect to competing commercial and environmental interests and resources and the need for either additional navigational aids or an extension of the existing traffic separation scheme. I understand the area itself is a paradox for planning safe navigation and good environmental controls due, in part, to conflicting currents, tides and changing wind patterns. I look forward to hearing testimony from several witnesses who have particular knowledge of these problems.

Mr. Davis?

**STATEMENT OF HON. ROBERT W. DAVIS, A U.S. REPRESENTATIVE
FROM MICHIGAN**

Mr. DAVIS. Thank you, Mr. Chairman. I, too, would like to welcome Congressman Lagomarsino and Congressman Gallegly. We are very interested in this particular issue. I think we will find that this is not a narrow political issue but rather one of great concern to the people of California and those people nationally who value our natural resources.

The Channel Islands National Marine Sanctuary, just offshore and part of Congressman Lagomarsino's district, is truly a very beautiful and unique asset for the whole country, and we believe that this will give your people and you gentlemen who represent the area an opportunity to express your views on this very important issue.

Rather, Mr. Chairman, than take the time to go through my entire testimony, I will enter my testimony in the record and welcome the two Congressmen and all of the people who are here to testify on this very important issue.

[The prepared statement of Congressman Davis follows:]

STATEMENT OF HON. ROBERT W. DAVIS, A U.S. REPRESENTATIVE FROM MICHIGAN

Thank you, Mr. Chairman. I, too, would like to welcome my friend, Bob Lagomarsino, along with his fellow California, Elton Gallegly, and to thank you for holding this hearing to discuss the problems in the Santa Barbara Channel. I think we will find that this is not a narrow political issue, but rather one of great concern to the people of California and those nationally who value our natural resources.

The Channel Islands National Marine Sanctuary, just offshore and a part of Bob's district, is truly a beautiful and unique asset for the United States. The Islands actually form a mini-Galapagos in setting and provide a rare opportunity to observe and study an unparalleled assemblage of life forms. It has been recognized for years that preservation of this area is a must, but the delicate balancing act required among the expanding (but necessary) oil industry, the ever-increasing international shipping in the Channel, and the flourishing recreational boating activities has become a nightmare. The last time the Subcommittee formally addressed H.R. 172 (or I should say one of its predecessors) was in 1978. During that hearing, tanker traffic, offshore oil and gas development, prospective LNG facilities, as well as other uses of the Channel were the focus. At that time, the Ports and Waterways Safety Act Amendments authorizing traffic separation schemes had just been enacted.

Thus, it is proper now to review the development in the Channel in the ensuing years.

Accordingly, today we welcome testimony from a broad spectrum of witnesses and I hope to hear their suggestions for improvements in or alternatives to H.R. 172. It is obvious that the growing congestion in the Santa Barbara Channel has been a perceived problem for quite some time, as evidenced by the continued efforts by the Coast Guard and other agencies to safely control the traffic through the Channel. But now with the recent *Pac Baroness* incident, it may be necessary to act more assertively before another collision occurs, and possibly one with far greater consequences. Past success does not necessarily signal such a favorable outcome in the future as the traffic congestion continues to increase as anticipated.

The information the witnesses have to share with us may give us the insight necessary to come up with some innovative solutions to these problem areas and we therefore may be able to help them by enacting some of the measures they recommend. It would be a shame to place in further risk of disaster this invaluable resource when we have this opportunity to take steps now to begin the process required to enact some of these measures so that we may be prepared for the future.

Mr. HURTO. Without objection, your entire statement will be entered into the record.

Does any other Member have an opening statement? Mr. Shumway.

**STATEMENT OF HON. NORMAN D. SHUMWAY, A U.S.
REPRESENTATIVE FROM CALIFORNIA**

Mr. SHUMWAY. Thank you, Mr. Chairman. I especially would like to thank you for allowing me to sit in on this hearing. While I am not a member of this subcommittee, this issue is of great interest and importance to me both as a Californian and as a long time member of the Merchant Marine and Fisheries Committee.

I would also like to congratulate my good friend, Bob Lagomarsino from Santa Barbara, who has tirelessly worked to ensure that his coastline and the National Marine Sanctuary just off Santa Barbara is protected from oil spills, both from tanker traffic and from domestic OCS production. Congressman Lagomarsino has introduced this legislation for four Congresses now, so his concern was evident long before the recent accident involving the *Pac Baroness* which brought this issue to the front.

Today's hearing is an excellent opportunity for the committee to begin uncovering ways to ensure that this unique area off the California coast is protected. This area warrants our special attention, since it is one of our Nation's most heavily traveled tanker traffic lanes, it is one of the more active industry fishing areas, and it has been and continues to be the site of a great many domestic oil and gas production platforms. Clearly the Nation is deriving many benefits from this area, and it is only fitting that we take appropriate measures to protect it.

Mr. Chairman, I look forward to working with you and my ranking member, Mr. Davis, on this issue, as well as my colleague from California, Mr. Lagomarsino, to ensure that this area is afforded the protection and attention it deserves. Thank you for allowing me to make this statement.

Mr. HURTO. Thank you, Mr. Shumway.

The wake of these ships is being felt all the way to Hawaii. Mrs. Saiki.

**STATEMENT OF HON. PATRICIA SAIKI, A U.S. REPRESENTATIVE
FROM HAWAII**

Mrs. SAIKI. Thank you, Mr. Chairman.

I had the pleasure of attending a public meeting in Santa Barbara at which much interest and concern was expressed about vessel traffic safety within the Santa Barbara Channel. Several useful suggestions were made at the public meeting on ways to lessen the incidence of vessel collision and how to deal with the resultant oil spills.

From all that I have heard and read, it is clear that the vessel traffic problem is due to many factors, and until we have fully evaluated the current regulations and the many contributing factors which have led to the problem in the Santa Barbara Channel, we will not be able to adequately accommodate the many uses of the channel. A comprehensive plan needs to be developed to address the enforcement of traffic schemes, weather conditions and water currents, and the location and construction of oil drilling platforms.

I commend Congressman Lagomarsino for trying to find a resolution to this problem and for introducing H.R. 172. This legislation is a first step to rectifying the many problems which may exist and do exist in the Santa Barbara Channel. I look forward to hearing the testimony today and I thank you very much, Mr. Chairman, for letting me present my statement.

Mr. HUTTO. Thank you, Mrs. Saiki.

Does any other Member wish to make a statement? Mr. Herger?

**STATEMENT OF HON. WALLY HERGER, A U.S. REPRESENTATIVE
FROM CALIFORNIA**

Mr. HERGER. Thank you, Mr. Chairman. I want to thank you for allowing me to join you for this hearing. Having attended the earlier meeting in Santa Barbara, I am particularly pleased to see this committee examining this issue.

As you know, the Channel Islands National Marine Sanctuary within my own home State of California was established more than seven years ago to help protect the valuable natural resources and recreational opportunities that this scenic area provides. During those seven years we have seen a dramatic increase in the amount of shipping traffic and oil development activities within the channel. As a result, I feel it is important to review actions which might help to increase the safety of the channel as well as safeguard the environment.

As I mentioned when we met in Santa Barbara, I believe that it is important to address not only the problem of domestic shipping but also of foreign shipping. Extension of the current traffic separation scheme and the ratification of the International Maritime Organization's Convention on Crew Training, Certification and Watchkeeping would be important and effective first steps to ensuring a safer channel.

I am looking forward to the testimony of our witnesses today, and I hope that they will be commenting on what steps they believe would be most likely to improve the situation within the Santa Barbara Channel.

Thank you.

Mr. HUTTO. Thank you, Mr. Herger.

Do any other Members wish to be heard at this time?

Mr. DAVIS. I have a statement to enter in the record for Don Young, Mr. Chairman.

Mr. HUTTO. Without objection, Mr. Young's prepared statement will appear in the record.

[The prepared statement of Mr. Young follows:]

STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA

I want to thank you Mr. Chairman for scheduling this hearing today. While I have some reservations about H.R. 172 it provides an excellent mechanism for encouraging discussions which hopefully can lead to efficient environmentally sound transportation which balances the interest of all parties. The complexities of this problem were highlighted to me at a recent public meeting in Santa Barbara which was hosted by my good friend representative Bob Lagomarsino. I hope that through this hearing we can begin to resolve some of the disputes which have festered over this issue for years. I look forward to the testimony of the witnesses here today.

Mr. HUTTO. We are going to have our hearing by panels this morning, and we would ask all of the witnesses to please be as brief as possible, to summarize their statements and then submit their full statements for the record, so that everyone can be heard and that we can have questions asked of the witnesses. After Representative Lagomarsino and Representative Gallegly testify this morning, we invite them to come up and join us if they wish so that they may participate in the rest of the hearing.

At this time I am pleased to introduce our colleagues, Representative Lagomarsino and Representative Gallegly. You may proceed as you see fit.

STATEMENT OF HON. ROBERT J. LAGOMARSINO, A U.S.
REPRESENTATIVE FROM CALIFORNIA

Mr. LAGOMARSINO. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, I want to thank you for allowing me the opportunity to appear before you today to address issues relating to H.R. 172, legislation I have introduced to direct tankers carrying Alaskan oil to use routes outside the Santa Barbara Channel.

I especially want to thank you, Mr. Chairman, and your staff for your kind consideration and great cooperation in allowing us to have this hearing. This is not exactly an un-busy time for Congress. Not very many hearings are going on at this point, so I really do appreciate your doing this and, as I say, the cooperation of the staff. It has been very good and we do think that it will be helpful.

Seeing Mr. Biaggi here reminds me of a hearing we had on this bill, or its predecessor, some nine years ago, almost, now, when Mr. Biaggi came out to Santa Barbara and we did hold a hearing on this legislation. I recall Mr. Biaggi saying, as we flew up the Santa Barbara Channel on a perfectly beautiful day, very clear, saying, "Gosh, with weather like this, what's the problem?" Well, we have found that there indeed is a problem. The traffic has increased and the situation is different than it was eight years ago.

As requested in your letter of November 18, Mr. Chairman, and outlined in the background memorandum prepared by the staff, I will address my comments to, number one, the overall situation in the region with respect to competing commercial and environmen-

tal interests and resources and, two, the need for additional navigational aids or an extension of the existing traffic separation scheme in the channel.

In preparation for today's hearing and in an effort to accommodate the many individuals, local agencies and organizations who have expressed concern about this issue but who would have had difficulty in traveling to Washington, three members of the full committee, including two who are members of this subcommittee, traveled with me to Santa Barbara on November 23 to listen to their concerns and view the physical layout of the channel.

I want to express my thanks to my colleagues Don Young, Patricia Saiki and Wally Herger for their interest and to ask permission to have the comments we collected made a part of the record at this time, if we might, Mr. Chairman.

Mr. HUTTO. Without objection.

Mr. LAGOMARSINO. Mr. Chairman, to briefly summarize the information we have collected and which will be augmented by other witnesses today, including two from Santa Barbara, the Santa Barbara Channel is an invaluable national, State and local resource which is used by a variety of people for commercial, recreational, scientific and other purposes. It includes several unique or endangered species of marine life, including whales, elephant seals, seals, sea lions, and other marine mammals, as well as commercially valuable fish, mollusks and other species, and intrinsically valuable sea birds, flora and fauna, many of them within the Channel Islands Federal Marine Sanctuary and National Park and many of which would be catastrophically affected by an oil spill.

The channel also contains valuable hydrocarbon resources, including oil and gas, and is used extensively by recreational boaters and sailors, merchant and other vessels, and beachgoers, surfers, fishermen, and scientific researchers. These many and sometimes competing or conflicting uses form the background against which H.R. 172 was drafted.

Envisioning a worst case scenario in which a loaded oil tanker collided with another ship, an oil platform or other obstacle and discharged its cargo into the channel, we asked legislative counsel and the Coast Guard what steps could be taken to reduce the risks of collision. Obviously, one way would be to reduce the number of tankers transiting the channel. Unfortunately, we learned that we have little or no jurisdiction over tanker traffic in the channel, whose waters are, for the most part, international waters.

In fact, the only class of tankers we could identify over which we were certain we had jurisdiction were the Trans-Alaska Pipeline tankers, which by law are required to be American bottoms. Ironically, this limited scope is now being used as an argument against H.R. 172, and I think appropriately so. In point of fact, of course, it is not our intention in H.R. 172 to discriminate against American shippers. In fact, the TAPS tankers are probably among the best-run ships using the channel, as I am sure Mr. Young can testify.

Nevertheless, we have proceeded with the bill and requested this hearing in order to better acquaint the committee with the situation in the channel and to provide an opportunity for all the concerned parties to express their views and hopefully develop a con-

sensus about what steps can be taken to improve navigational safety in the channel.

I might inject here that we have, as I mentioned before, two witnesses from Santa Barbara who will be testifying today about their concerns. They are Dr. Russell Schmitt, director of the Coastal Resource Center at the University of California at Santa Barbara, and Dr. Gordon Cota—Mr. Gordon Cota—of Santa Barbara, speaking on behalf of the Pacific Coast Federation Fishermen's Association and the Fisheries Protection Institute. The PCFFA consists of 24 commercial fishermen's organizations in California, Washington and Alaska.

The immediate stimulus for this effort was the collision September 21 of two ships off Point Conception at the western entrance to the channel, with the resultant sinking of one, the *Pac Baroness*. This vessel was not an oil tanker. However, it was carrying over 350,000 gallons of bunker fuel, some of which escaped and created an oil slick which for several days threatened to come ashore at the seal and sea lion breeding grounds on San Miguel Island, which is part of the Channel Islands National Park and the Federal Marine Sanctuary. In addition—and Dr. Schmitt can speak to this—the sunken freighter also carried a cargo of potentially toxic copper ore.

While the cause of the accident is still under investigation by a Coast Guard board of inquiry, it was the consensus of everyone we talked to that the accident provided a vivid reminder of what could happen in the channel. If the *Pac Baroness* had been an oil tanker, or if the collision had occurred a few miles to the east in the channel, beaches could have been blackened from Gaviota to Oxnard and on the islands. As my colleague Elton Gallegly can testify in a few minutes—and Elton and I flew over the scene shortly after the accident—the potential for massive damage to the channel resources is very clear.

As a result of the work leading up to this hearing, we have identified a number of potential avenues which might be explored in addition to the proposal for redirecting tanker traffic south of the islands, and which I hope the committee will consider as part of its deliberations. These include designating the islands and the sanctuary as an area to be avoided under International Maritime Organization rules; upgrading standards of training, certification and watchkeeping for seafarers as proposed by the International Convention, and as was mentioned by Mr. Herger; requiring the use of American pilots on vessels transiting the channel, as suggested by my colleague Don Young; establishing a vessel traffic system to monitor and control shipping operations in the channel, as is used in Puget Sound; providing a NAVTEX or other means of disseminating navigational, weather and safety information in the channel; as well as the proposal by Mr. Studts, H.R. 3640, to levy damages for destruction of marine sanctuary resources, which I have now cosponsored.

As you will hear from other witnesses today, the issue of vessel safety in the channel is one which will not go away. We can ignore it until another, possibly more serious accident occurs, or we can take steps now to address the issue on a current basis and deter-

mine what steps might be taken to lessen the risk to the many valuable resources in the channel.

Mr. Chairman, of course I would be very happy to answer any questions and, again, I appreciate your allowing me to come here today.

Mr. HURRO. Thank you very much, Mr. Lagomarsino.

Now we will have Representative Gallegly give his statement.

**STATEMENT OF HON. ELTON GALLEGLY, A U.S.
REPRESENTATIVE FROM CALIFORNIA**

Mr. GALLEGLY. Thank you very much, Mr. Chairman. I do appreciate the opportunity to be here today before the Subcommittee on Coast Guard and Navigation with my good friend and colleague, Bob Lagomarsino, to discuss shipping safety in the Santa Barbara Channel and the prevention of damage to the Channel Islands National Marine Sanctuary resulting from collisions in that channel.

As you know, the sanctuary was established in 1980 to protect the resources in one of the most beautiful areas in our country. The channel is heavily used by international shippers, oil companies and commercial fishermen, as well as a large recreational community. The marine sanctuary includes many endangered species of marine life, including whales and sea lions, as well as commercially valuable sea life. The collision of the *Pac Baroness* and the *Atlantic Wing* on September 1, 1987 is evidence of this channel congestion.

Because of the possible imminent damage to the islands in my district, I joined Congressman Lagomarsino to view the oil spill created by this incident from a Coast Guard helicopter, as Congressman Lagomarsino mentioned. This on-site inspection further indicated to me the need for more strict lane enforcement to prevent damage to both human life and the environment.

Fortunately, the September 21 collision off Point Conception did not result in the loss of human life. However, since the *Pac Baroness* sank, its bunker fuel has been surfacing at a rate of almost 100 gallons per day. The ship's load of copper ore has been spread over the ocean floor and marine biologists are unsure of its long-term effects. We have learned that there is possible damage to marine life, the Channel Islands National Park and the Ventura and Santa Barbara County beaches from this shipwreck.

I am sure you are aware that there have been several solutions presented addressing this problem. Congressman Lagomarsino's bill, H.R. 172, directs tankers carrying Alaskan oil to use routes outside the Santa Barbara Channel Islands. Other proposals include the establishment of areas to avoid and the rerouting of shipping lanes to the seaward side of the Channel Islands to avoid the oil platforms.

It is my belief that the first course of action taken should be the strict enforcement of present regulations prohibiting large ships within one mile of the sanctuary boundaries. Because of the channel's international status, I recognize that it would be difficult for the Government to regulate non-U.S. flagged ships or vessels or the shipping lanes themselves. However, this situation should not pre-

clude us from implementing a safety program for American carriers.

Because of the channel's significant role in commerce, we cannot afford to spend too much time analyzing and reporting on the situation. Rather, we need to implement a workable solution and improve upon it later, if necessary. The postponement of such a plan would have far-reaching consequences on marine life and carrier safety. I expect that the committee will be hearing from many experts in this field. I trust we can implement their proposals before irreparable damage is done to the environment.

As a member of the Interior and Insular Affairs Committee, I plan to work with my colleagues on the panel to review and develop safe but reasonable shipping guidelines. It is my hope that this hearing will enable us to more clearly see the effects that each proposal would have on the Santa Barbara Channel. I again thank you, Mr. Chairman, for your review of this testimony on this important issue and the opportunity to testify.

Mr. HURRO. Thank you, Mr. Gallegly. I would like to thank both of you for your excellent testimony on H.R. 172 and on the overall situation in the Santa Barbara Channel area.

As you both indicated, the problems with the potential oil spill there are compounded by the demand for oil, commercial shipping traffic in international waters, commercial fishing and recreational boats. There are no easy answers to balance these competing interests. While there are a number of concerns regarding H.R. 172 that will be addressed by our other witnesses today, you mentioned a number of other potential alternatives and we will certainly ask the administration to comment on them.

Mr. YOUNG. Mr. Chairman?

Mr. HURRO. Do the Members have questions of Mr. Lagomarsino and Mr. Gallegly before they join us here? Mr. Young?

Mr. YOUNG. Mr. Chairman, I have no questions because I was late, and I would like to just make one comment.

First I would like to complement Mr. Lagomarsino for having hearings in Santa Barbara, and my two colleagues who joined us. I think they were very, very beneficial to myself as well as others.

Now I know we are having a hearing on moving the tankers out-side and, as was directly reflected in the title of the bill, about Alaskan oil. We have discussed this. This is not the problem. There have been no accidents by tankers in this area carrying Alaskan oil. That doesn't mean they could not happen.

The problem we have is the international ships that ply their trade through that channel without proper precautions, without, I think, capability in many, many cases. In the case where this ship was sunk, they were alerted, they were warned, and they collided. To my knowledge, in fact there is some question—we will talk about this with the Coast Guard—whether there was even anybody on the bridge. They claim there was. Why did they not respond? Another reason may be because they didn't speak English.

Now I know that there is some opposition from AIMS and from other people for retaliatory action, but I still say the solution which was in existence for many years is that we have coastal pilots in these congested channels. It is done in other parts of the

world. It can be done here, but again the State Department said, "Oh, we can't do that. They may retaliate against us."

Well, then, so be it. It is time we come to grips with allowing these conflicting interests the best capability. That includes the nav aids that Mr. Lagomarsino has mentioned, but it also includes putting people aboard those vessels that are plying our shores with the capability that I expect in these congested areas, so I want to complement the gentlemen, both gentlemen, for making their statements today here, but I know the solution to it and we ought to apply it.

Thank you, Mr. Chairman.

Mr. LAGOMARSINO. I might just say, Mr. Young, I mentioned that in my opening statement right before you arrived.

Mr. YOUNG. I realize you would have, but I want to make sure that the villains, if there are any villains, are not the American tankers. It is not the American fleet. It is not our American captains and pilots and crewmen. It is the foreigners that are plying our trade without the proper, I think, capability to do so.

Mr. HUTTO. That is the first time we have ever had duplication in Congress.

Mr. DAVIS, do you have a question?

Mr. DAVIS. Yes, Mr. Chairman.

As I understand it, would it be fair to say that H.R. 172, as introduced by you, is really a means of focusing attention on the issue?

Mr. LAGOMARSINO. That is correct, and as I pointed out, especially at the time the bill was first introduced, some nine years ago almost, now, it was the only thing we could come up with where we had any control. There was a great deal of concern about it because, of course, those are huge vessels and an accident involving one of those would deposit an enormous amount of oil in the water.

Even then there was some concern from the very interests that we were seeking to protect here, saying that if there was an accident outside the channel, that it might even affect some of the resources more than one inside, so even with that it is not necessarily the best solution, but it was one thing we had to look at. But you are right, it is mainly a way of getting the issue before the committee.

Mr. DAVIS. So what we need to do is to work together with this committee, the Coast Guard and you people and the people you represent, to come up with a solution to hopefully help solve the problem.

Mr. LAGOMARSINO. You are exactly right.

Mr. DAVIS. Just one further comment: As you know, sometimes we have trouble between local, State and Federal agencies with the issue of preemption for example as when applied to oil spill legislation. Do you think we are going to have good cooperation between the various units of government on this issue?

Mr. LAGOMARSINO. Yes, I do. At the meeting we had in Santa Barbara, it was mentioned that the local people and the State are already working on this, so I think it is mainly a question of coordination. I think we will have good cooperation.

Mr. HUTTO. Thank you, Mr. Davis.

Any other questions? Mr. Biaggi?

Mr. BIAGGI. Thank you, Mr. Chairman.

First, I would like to commend both of my Colleagues for their statements. I would say to Mr. Lagomarsino, if nothing else, you are persistent—nine years. [Laughter.]

Mr. BIAGGI. It is true we had a committee hearing on the subject. I wasn't extremely impressed by your arguments at the time, although I do concede that the area is beautiful. It should be preserved and it should be protected from every possible potential threat. The accident with the *Pac Baroness* brings this into focus. There, clearly, has been an increased amount of traffic. Perhaps that caused this accident. We have to be concerned with your concerns.

I take note of some of the recommendations you made as possible avenues of approach that would ameliorate the situation in some fashion. In relation to training and watchkeeping, I am sure the Gentleman knows that the International Convention on Standards on Training and Watchkeeping is to be forwarded to the Senate in the early part of 1988. We are pretty confident that it will be ratified.

Mr. LAGOMARSINO. Right.

Mr. BIAGGI. As far as redirecting the traffic, that is another problem. You are talking about sending it off to the seaward side of Santa Catalina. Well, that makes it a longer trip and brings it around the islands. If that is what you have in mind, I think the large recreational boating area could be disturbed, as well as increasing traffic. However, Mr. Chairman, there is no question that this is an important area of concern and that we should explore, as Mr. Lagomarsino and Mr. Gallegly have stated, every possibility to reduce any eventual or potential risk.

I am confident that quite a few of these suggestions, these recommendations you have made, can be implemented and would diminish the risk considerably. I want to congratulate both of you for your testimony and your presence, and you, Mr. Lagomarsino, for a persistency that is unmatched in this House.

Mr. LAGOMARSINO. Thank you.

Mr. HURTO. Thank you, Mr. Biaggi.

If you gentlemen will come and join us now, we thank you for your testimony.

We will continue with our next panel, panel two, if you will please come forward: Captain Peter Lauridsen, Deputy Chief, Office of Marine Safety, Security and the Environment of the United States Coast Guard, accompanied by Captain Alan B. Smith, Deputy Chief, Office of Navigation, U.S. Coast Guard; Mr. William P. Horn, Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior; Peter Tweedt, Director, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration of the Department of Commerce.

I understand that Mr. Horn will have to make a phone call or something around 10:45 a.m. and might be in the need of doing his statement now, and then can rejoin us if you like. Would you like to proceed?

Mr. HORN. Yes, I would appreciate that.

Mr. HURTO. If each of you would summarize your statement and submit your full statement for the record, we would appreciate it.

**STATEMENT OF WILLIAM P. HORN, ASSISTANT SECRETARY FOR
FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR**

Mr. HORN. I appreciate that, Mr. Chairman. The National Governors' Conference Resolution Committee wants to ask me some questions about a topic of interest to this committee, the Arctic National Wildlife Refuge, and only for an issue of that importance would I ask for this special treatment.

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department on this legislation. The purpose of this bill—to protect the marine and near shore environments from the effects of possible oil spills—is highly laudable.

We are especially mindful of the need to protect the marine resources of the Channel Islands National Park, which was designated by Congress in 1980. The legislation establishing the park, which was introduced by Congressman Lagomarsino, stated as its purpose the protection of the nationally significant natural marine and other values.

This park, which is our primary management interest from the Fish and Wildlife and Parks focus in this area, consists of six of the Channel Islands and the rocks, submerged lands and waters within one nautical mile of each island. The park is also designated a Biosphere Reserve, and the Department of Commerce has designated the park as part of its national marine sanctuary system.

Nonetheless, we are convinced that the safety procedures which are being followed under existing law, related to the transshipment of Alaskan oil, are more than adequate to protect the area's outstanding natural resources as well as the park. Since an extra layer of protective measures in the form of an Alaskan tanker ban through the channel in our mind is not needed, the Department does not support H.R. 172. However, we stand ready to work with other Federal agencies, State and local governments and the private sector to improve marine safety in this area.

The Coast Guard clearly is responsible for providing safe access routes for the movement of vessel traffic proceeding to or from ports in the area. We favor the flexibility attendant to joint use, as safe access under Coast Guard management has been consistently demonstrated elsewhere throughout U.S. waters.

One of the important issues, too, as it relates to energy, is that in 1984 California imported fully 33 percent of its oil from Alaska. Alaskan crude oil is clearly important to a State that consumes nearly 600 million barrels of oil per year, with a transportation sector that is virtually 100 percent dependent on hydrocarbons.

Since the Alaskan tanker industry is so carefully regulated, it is important that this sector with its superlative safety and environmental record not be discriminated against by an act of Congress.

Lastly, the Department is concerned about the precedents the proscriptions this proposal sets for tanker traffic in the Santa Barbara Channel associated with offshore oil and gas development on the Federal Outer Continental Shelf (OCS). One of the most productive fields in the Santa Barbara Channel is the Santa Ynez Unit, with Exxon's Hondo Platform producing approximately 2.8

million barrels of oil a year. A tanker leaves the platform every five days and must transit the shipping lanes of the channel.

During the years of its operation, there has been no spillage problem associated with this operation, and this operation and associated transport have had no adverse effect on the resources of the Channel Islands National Park. The Department is concerned about restrictions on this traffic to the platform, and that similar restrictions might be imposed in other areas on the OCS outside the Santa Barbara Channel.

Again, we look forward to working with you on this important matter. Obviously, we stand prepared to work to see if we can improve marine safety and basically pledge the Department's cooperation in this area.

Thank you.

[The prepared statement of Mr. Horn can be found at end of hearing.]

Mr. HURTO. Thank you, Mr. Horn. We will excuse you, and then if you can, you may rejoin us.

Mr. HORN. I will be back. Thank you, sir.

Mr. HURTO. Thank you.

Now, Captain Lauridsen, would you proceed, please?

**STATEMENT OF CAPT. PETER LAURIDSEN, DEPUTY CHIEF,
OFFICE OF MARINE SAFETY, SECURITY AND THE ENVIRON-
MENT, U.S. COAST GUARD**

Captain LAURIDSEN. Good morning, Mr. Chairman. I am Captain Peter Lauridsen, Deputy Chief of the Office of Marine Safety, Security and Environmental Protection. I appreciate this opportunity to address you and the other distinguished members of this subcommittee on H.R. 172, a bill to prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands.

First, I commend Congressman Lagomarsino on his efforts to maintain and improve the very delicate balance between the competing interests of oil production, shipping, fishing, coastal industries, recreational use, and marine wildlife protection. The Coast Guard will work with you to find ways to satisfactorily address the important concerns raised by these varied interests.

The Coast Guard strongly feels that the level of risk of oil pollution to the Channel Islands, the coast of California, and all other waters of the world can be successfully reduced by working through the International Maritime Organization to improve training of seamen, increase design safety in ships, improve vessel survivability in the event of a casualty, and establishing safe access routes for the uneventful movement of all types of vessel traffic.

The Coast Guard will continue to aggressively pursue the general adoption of the highest practicable standards in respect to matters concerning maritime safety and efficiency of navigation, including aids to navigation, vessel manning from a safety standpoint, and rules for the prevention of collisions. We will also work with you, Mr. Chairman, the subcommittee and Congressman Lagomarsino, in developing or considering all reasonable alternatives to decrease risks to the environmental quality of the United States waters,

while promoting safe navigation and equitable use of the coastal waters of the United States by all competing interests.

This concludes my oral statement. I have submitted a written statement for inclusion in the record of the hearing. Thank you for your consideration, sir.

[The prepared statement of Captain Lauridsen can be found at end of hearing.]

Mr. HURRO. Thank you very much, Captain. Your prepared statement will appear in the record.

Mr. Tweedt.

STATEMENT OF PETER TWEEDT, DIRECTOR, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. TWEEDT. Thank you, Mr. Chairman. With your permission, I will also summarize my remarks.

Mr. HURRO. Yes, sir. Without objection.

Mr. TWEEDT. I would like to begin by pointing out that I am accompanied by Dr. Dail Brown, who headed our on-scene response to the recent shipping accident in the Santa Barbara Channel. Dr. Brown has since been instrumental in organizing several of the important studies on that accident that Congressman Lagomarsino had requested.

I appreciate the opportunity to testify on Mr. Lagomarsino's bill, H.R. 172. My office, the Office of Ocean and Coastal Resource Management in the National Oceanic and Atmospheric Administration is responsible for administering the National Marine Sanctuary Program, which, of course, includes direct management of the Channel Islands National Marine Sanctuary. Congressman Lagomarsino's leadership and concern for protecting the Santa Barbara Channel's environment is well known, and as the sanctuary manager we are very fortunate to be able to work with him on the many issues that have affected the Channel Islands Sanctuary.

The Channel Islands area is very important for the multiple uses. There is oil and gas development, there is marine transportation, there is fishing in abundance in the channel, and the Channel Islands Sanctuary supports one of the largest pinniped rookeries in the world.

The recent experience of use conflict was not a good one, with the sinking of the *Pac Baroness* off Point Conception two months ago. Although the *Pac Baroness* was not an oil tanker, a significant amount of fuel oil was spilled and the prevailing winds and the currents took the oil directly toward the pinniped rookeries. It was touch-and-go for a while. Fuel oil fortunately is lighter than crude oil, and the weather intervened and the slick broke up before it reached the rookery.

Fortunately, the sinking does not appear to have caused any immediate damage on the sanctuary. However, the *Pac Baroness* also had a cargo of copper sulfide, and that ore could be toxic to marine animals. We are, therefore, keeping a very close watch on the situation. With strong encouragement from Congressmen Lagomarsino and Gallegly and Senator Pete Wilson, a joint field project to survey the conditions about the wreck of the *Pac Baroness* was

mounted by scientists at the University of California in Santa Barbara, along with support from the Minerals Management Service of the Department of the Interior, the National Science Foundation, the EPA, and my Office of Ocean and Coastal Resource Management.

I would like to mention just briefly another shipping accident in a sanctuary. I am very proud of the action that we took there. In 1984 the *Wellwood* ran aground in Key Largo National Marine Sanctuary. There was extensive long-term damage to the large areas of slow-growing coral in the sanctuary.

Through the Justice Department, we filed suit for damages to the natural resources and also sought civil penalties. Earlier this year it was settled out of court, with the United States Government receiving over \$6 million. We believe the message is clear to boaters and ship operators, that they should be aware of the damage that can be done to the fragile marine resources when marine sanctuary regulations are violated, and that this administration will take whatever legal steps necessary to ensure that these nationally significant marine areas are protected.

We have reviewed H.R. 172. Mr. Lagomarsino wants to reduce the risk of contaminants from ship accidents in the Santa Barbara Channel. While NOAA supports efforts to lessen the threat of pollution incidents in the channel, and specifically the Channel Islands National Marine Sanctuary, we do not believe the proposed legislation is the best approach.

H.R. 172 would restrict only the TAPS tankers arriving from Alaska, thus including only a small number of U.S.-flag ships. As Mr. Lagomarsino and Mr. Young pointed out, American carriers all very safe ship operators. The bill would not restrict the transportation of foreign-flag ships or domestic ships carrying non-Alaskan oil. We believe that the majority of the accidents involve foreign flag carriers.

The U.S. is working diligently to improve safety standards of all vessels through the International Maritime Organization. Considerable progress has been made, and there is every expectation that further improvements in ship safety can be achieved through the IMO.

As I said at the outset, we work quite closely with Congressman Lagomarsino in matters affecting the Santa Barbara Channel. For instance, he mentioned the State of California Fish and Game Study and the Santa Barbara County study. At Mr. Lagomarsino's request, we have already contacted the State and county to lend our support, so while we have not endorsed his bill, I am ready to and I am confident that we can work together to achieve our mutual goals.

Thank you.

[The prepared statement of Mr. Tweedt can be found at end of hearing.]

Mr. HURRO. Thank you very much, Mr. Tweedt, and thank all of you for your testimony. All of you have testified in opposition to H.R. 172. Also, the Department of Defense has submitted testimony for the record in opposition to H.R. 172. However, earlier, both Congressman Lagomarsino and Congressman Gallegly mentioned

several alternatives to H.R. 172 which we want you to carefully consider.

Captain Lauridsen, I see you brought a chart with you this morning. Using this chart, will you show us, for example, the location of the current traffic separation scheme and the 18-mile extension, the marine sanctuary, where the *Pac Baroness* wreck occurred, and where the few tankers affected by H.R. 172 would have to travel? If you would show us that on your chart, I would appreciate it.

Captain LAURIDSEN. Yes, sir, Mr. Chairman.

Mr. HURTO. Turn that around this way a little more. Thank you.

Captain LAURIDSEN. Mr. Chairman, the existing traffic separation schemes are shown on the chart in magenta color. The existing traffic separation scheme runs from the vicinity of LA/LB to an area just off Point Conception. This is the current traffic separation scheme in the Santa Barbara Channel.

You mentioned the 18-mile extension. The Coast Guard has proposed an extension of the channel to IMO. The original proposal was something greater than 18 miles; IMO chose not to accept that distance and suggested that we limit it. Accordingly, we went back and suggested that it be limited to 18 miles and that we use the navigation potential of the rigs in the area, so that vessels could better comply with the traffic separation scheme. Therefore, the proposed extension will run from Point Conception out 18 more miles to Point Arguella. We also have a traffic separation scheme in the San Francisco area.

With reference to the Channel Islands Marine Sanctuary, the marine sanctuary area and the Channel Islands south of the existing traffic separation scheme, were Alaskan tankers to be prevented from using the Santa Barbara Channel coming down from Alaska, they would have to stay offshore and, under ordinary circumstances, avoid the Pacific Missile Test Range, another area outlined in magenta, turn and come south and into Los Angeles. That would add approximately 200 miles to the voyage between Los Angeles and Alaska.

I think, Mr. Chairman, I think I may have answered all your questions relating to the chart.

Mr. HURTO. Yes. One other thing: Where did the wreck occur?

Captain LAURIDSEN. The collision of the *Pac Baroness* and *Atlantic Wing* occurred to the west of the existing traffic separation scheme. The eventual sinking of the *Pac Baroness*, after she was towed to avoid threatening some of the offshore platforms was a few miles to the east of the area of collision. She is now sunk in the separation zone of the proposed extension of the traffic separation scheme. This is the area of the collision. This, sir, is the area where the vessel now rests.

Mr. HURTO. Thank you. I also understand that the Coast Guard is preparing a proposal which would overlay the Santa Barbara separation scheme with a safety fairway, and may even extend that fairway to San Francisco. Will you comment further on this proposal, addressing both the merits and the concerns of it?

Captain LAURIDSEN. Yes, sir. We anticipate a Notice of Proposed Rulemaking next month which, in addition to proposing the 18-mile extension of the traffic separation scheme, will also propose a safety fairway overlaying the entire route—the traffic separation

scheme, the undesignated area, and the traffic separation scheme in the Santa Barbara Channel.

The purpose of the safety fairway will be to place in regulation a reservation of the area for navigation. If we designate it as a safety fairway, those permitting agencies that deal with resource development on the Outer Continental Shelf will then not issue permits in the area designated as a safety fairway. We felt that it was necessary to overlap the traffic separation scheme with a safety fairway because the traffic separation scheme itself does not embody a prohibition on development of the seabed. We are trying to add to the protection already existing in the traffic separation scheme.

Mr. HURRO. I understand there are some concerns about this. Could you address that?

Captain LAURIDSEN. If we establish the safety fairway, obviously we have gone ahead and established a reservation for the future. The development of those offshore oil tracts, would be impacted wherever those specific leases are touched by the safety fairway.

I think the merits of the safety fairway far outweigh the demerits. The merit, is in making sure that we avoid any future conflict between navigation and resource development. Should development occur in the area of the fairway, inshore or offshore, and production platforms were placed on the scene, we would have the capability of providing the aids to navigation to provide the degree of assurance that would then satisfy IMO. We would expect that if that development does occur, we may come back and propose a specific traffic separation scheme for that area.

Mr. HURRO. Thank you, Captain Lauridsen.

Mr. Tweedt, having heard Captain Lauridsen describe in some detail two projects the Coast Guard has been working on, the 18-mile extension of the current traffic separation scheme and the overlay of that scheme with a safety fairway, I would appreciate any comments that you may have on that. Do you have any comments on that?

Mr. TWEEDT. Not on the Coast Guard. The Coast Guard, I think, is the appropriate agency to address those concerns. As I mentioned, we have taken swift action any time there has been ship handling negligence that has had any negative effect on any of the sanctuary's resources, and anything that Coast Guard does would undoubtedly help that cause because it would give us more restrictions to cite, if there were indeed ship handling negligence.

Mr. HURRO. Any questions for the panel members? Mr. Davis?

Mr. DAVIS. Captain, as I understand it in July of 1978 when the hearing was held by, at that time, this subcommittee, which was after the Ports and Tanker Safety Act was passed, the Coast Guard apparently made a number of recommendations on measures that could or should be adopted. Can you give me an update on what the Coast Guard has done about those recommendations or measures?

Captain LAURIDSEN. Congressman, I am unfamiliar with that particular hearing and I don't have material with me. I would be pleased to supply it for the record, if I may.

[The following was submitted:]

COAST GUARD PROPOSALS AND ACTIONS

At the hearing in 1978, the Coast Guard proposed several ideas to increase navigation safety in the Southern California area. These included: establishing and exercising more control over vessel anchorage areas, designating of certain areas as confined and congested areas warranting greater navigational care; installing of a Racon on platform Hondo, establishing regulations covering port facilities handling oil and other hazardous materials; and, recommending to the shipping industry that Alaskan tankers entering or leaving the Los Angeles/Long Beach area make use of the established Traffic Separation Scheme. I am happy to report that all these proposed actions have been completed. Additionally, we proposed that the Traffic Separation Scheme be designated as a Safety Fairway. This action is included in a Notice of Proposed Rulemaking which is scheduled for publication in January of 1988.

Mr. DAVIS. Okay. That will be fine. I think that is the only question I had.

Oh, wait. One more question.

Captain LAURIDSEN. Yes, sir.

Mr. DAVIS. The Coast Guard must have perceived problems—we need this for the record—in this area if it is continuing to approach the IMO with requests to restrict shipping in the Santa Barbara Channel. Would you explain to us how ratification by the United States of the Standards for Training, Certification and Watchkeeping could be beneficial in this situation, and how this committee can assist toward that goal?

Captain LAURIDSEN. The Convention on Standards of Training and Watchkeeping is a convention which the U.S. was very instrumental in bringing about. As has been mentioned, we have not ratified that convention.

I think it is important for us to ratify that convention. The ratification would show that we are serious about our concern for standards of training and watchkeeping worldwide. There are many nations who have not yet become party to that convention and they would probably follow our lead. Those who have already become party to the convention would probably provide an added degree of seriousness to their efforts, should the United States become a party.

With regard to the specific effects of the convention on this particular accident, I think we must wait for the report from the Board of Inquiry. To the extent that the actions of the crews of the two vessels were amenable to correction through training, through certification, through licensing, then obviously this convention would be of benefit. To speak directly to this accident, I don't believe that STCW can be used to judge the elements of this accident.

Mr. DAVIS. Okay, Mr. Chairman, that is all the questions. There may be some others that want to follow up on that point.

Mr. HUTTO. Mr. Biaggi?

Mr. BIAGGI. Thank you, Mr. Chairman.

In the late Seventies, when I was serving as Chairman of the Coast Guard Subcommittee, we sent staff to London to deal with the Tanker Safety Treaty. As a result of those hearings, as a result of those visits, we developed the Ports and Waterways Safety Act. Can you tell me how that Act would apply, has been applied, and how it would affect this area of concern?

Captain LAURIDSEN. Mr. Congressman, the Ports and Waterways Safety Act underlies most of what we have been talking about here

today. The Ports and Waterways Safety Act transferred from the Corps of Engineers to the Coast Guard the responsibility for designating fairways. It also called upon the Coast Guard, within six months of enactment, to study the port access routes of all of the major ports in the United States. As a result of that act, the Coast Guard did study the traffic separation scheme then in being in the Port of Los Angeles/Long Beach and did make certain recommendations.

The Ports and Waterways Safety Act also gave us the authority to conduct the Board of Inquiry on the collision off Santa Barbara. The Ports and Waterways Safety Act directed the Coast Guard to conduct inquiries when the environmental area of the United States or environmental interests of the United States were affected. This, as you know, was a casualty between two foreign vessels that occurred in international waters, and the legal foundation for that Board of Inquiry which we have embarked upon is found in that Ports and Waterways Safety Act, sir, so I think there are several areas where it has touched on the topic of today's hearing.

Mr. BIAGGI. What about the safety of the tankers themselves?

Captain LAURIDSEN. I think certainly the charge that was given to us in the Ports and Waterways Safety Act not only built upon MARPOL, the International Convention to Prevent Pollution of the Sea by Ships, but also in some areas, particularly in the 20,000 to 40,000 deadweight tanker class, directed unilateral action on the part of the United States for tankers trading in the United States. I think all of those things were positive. I think certainly MARPOL has been positive, and I think to the extent that that bill unilaterally applied essentially the provisions of MARPOL to additional tankers, it was probably very beneficial. I don't have facts to back that up today, sir.

Mr. BIAGGI. I think the purpose was to eliminate all the rust buckets that were causing a great deal of trouble.

Captain LAURIDSEN. Yes, sir. I think nationally and internationally we have made great strides in the area of prevention of pollution from tankers, both routine operation and even in the event of casualty.

Mr. BIAGGI. Thank you.

Mr. HUTTO. Thank you, Mr. Biaggi.

Mr. YOUNG. Mr. Chairman?

Mr. HUTTO. Mr. Young.

Mr. YOUNG. Captain, I have two questions or a series of questions but I believe, if I am not mistaken, that you stated that you have pretty much control of what is occurring now in the Santa Barbara area as far as your restricted zone, et cetera, yet you are still proposing a change in the shipping scheme. Is there any real reason for that?

Captain LAURIDSEN. I am not sure I understand your question, sir. I don't think we are changing; I don't think we are proposing a change.

Mr. YOUNG. Well, you have an 18-mile extension. You have an area which I have not yet quite understood when you explained it to us, an IMO proposal of restricting an area for shipping lanes—a fairway, right?

Captain LAURIDSEN. A fairway, sir, a safety fairway, domestically.

Mr. YOUNG. Okay. Now what are the basic reasons for it?

Captain LAURIDSEN. Going back to Congressman Biaggi's reference to the Ports and Waterways Safety Act, which directed a port access study of all of the major ports, as a result of the study in the Los Angeles/Long Beach area, there was a proposal to extend the then-existing traffic separation scheme an additional 25 miles to seaward, and also to establish a precautionary area where vessels could enter the traffic separation scheme.

That proposal was founded upon a very specific study in Los Angeles or in the Los Angeles area in 1982. I think the motives behind it were, one, the expected continued development of the offshore oil industry in Southern California, and therefore the need to extend the traffic separation scheme beyond the then Santa Barbara Channel; and, two, eventually to connect up with a traffic separation scheme or a safety fairway which then would connect with San Francisco.

Mr. YOUNG. Okay. The other part of this question is, at this time can you show us on the chart where the tankers that do not go to the L.A. area—as far as Alaskan tankers, which are the smaller ones—where do the large tankers go when they go to Panama, on that chart? They do not come through the channel; they go on the outside. Now how far out?

Captain LAURIDSEN. I am not absolutely sure. There is no need for them to come in close. My understanding is that in some areas along the California coast they are probably 200 miles offshore.

Mr. YOUNG. The reason I asked that question, Captain, the Coast Guard came forth with a proposal that really will be plied, the fairway will be plied by mostly foreign ships. Now why can't that area be outside, in the same area the tankers are, instead of bringing it in close to shore? Why does it have to be close to shore?

Captain LAURIDSEN. The type of traffic that we are addressing here I believe is strictly the traffic that is coastal traffic, which has—

Mr. YOUNG. Wait a minute. Let's go back to this, now. Coastal traffic. What I am trying to get at now, the reason your proposal has been basically turned down is because of the estimates I am getting, that there may be a loss of \$3 billion to the Treasury, because once you put that area in a restrictive classification—this is above the Santa Barbara Channel—

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG [continuing]. Then leases cannot be issued and will not be issued.

Captain LAURIDSEN. Leases cannot and will not be issued. I don't believe that the acceptability of—well, certainly the acceptability of our proposals internationally is really not dependent upon—

Mr. YOUNG. I am not talking about internationally.

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG. This is one thing that has me concerned, in all your testimony, and I am not jumping on you because of Santa Barbara. All I hear is international law.

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG. I don't hear anything about American merchant marine. If I was the pilot or the captain on that freighter and got sunk, I wouldn't be able to sail any more if I was an American. Very likely this captain will sail again.

Captain LAURIDSEN. I can't address that.

Mr. YOUNG. What I am suggesting is that the Coast Guard, the State Department, the Department of Commerce and everybody is so interested in our poor little minor industry today, and this IMO, and not applying the standards that should be applied internationally. I am suggesting, why don't we move that channel that you are proposing, that has been turned down by OMB, out further where the major tankers run today? Why does it have to be so close to the coast there? It is going from San Francisco to L.A. through the Santa Barbara Channel. I mean, what is the reasoning for that?

Captain LAURIDSEN. Again, I believe all we are doing is addressing coastal traffic. We are not addressing the traffic that is between Panama and Alaska or other traffic which has no intent to call at San Francisco or Los Angeles. I think that once we start designating safety fairways now, we are designating that under domestic authority, and obviously at some point the domestic responsibility and authority ends and the international schemes must take over.

Mr. YOUNG. Well, Captain, again, I am very concerned because what I see happening here is, through the Coast Guard proposal of the fairway now we will affect two things: one, the resources on our shores—

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG [continuing]. One, our merchant marine fleet. Both will be losing for international ships, trying to appease the IMO, and I am concerned. You know, I know there are two simple solutions to this problem and no one has really addressed them. I still say putting personnel on board that can speak English and not putting the ships on automatic pilot do not come under international law, because I believe we can extend our Customs, at least, territorial waters, 12 miles. Right now what is it, three miles?

Captain LAURIDSEN. Twelve miles for Customs, three miles for territorial. Yes, sir.

Mr. YOUNG. Territorial. Why can't we extend jurisdiction to 12 miles for navigational purposes, like most other countries today have? This problem wouldn't exist in the Santa Barbara Channel if we were to do that.

Captain LAURIDSEN. Sir, I am not—I don't believe I am qualified to address the reasons why the United States chooses to maintain three miles versus twelve miles, sir.

Mr. YOUNG. Captain, it may sound like I'm picky.

Captain LAURIDSEN. No, sir.

Mr. YOUNG. It just is an example of what is happening to our Government, our State Department and our other agencies that don't look for solutions, real solutions, and no one really is agreeing on what can be done. They always look at studies, and I am just very concerned. Mr. Lagomarsino is worried about the channel; I am worried about the channel. We are still going to end up with studies, or our merchant marine fleet is going to be punished. Again I want to stress, our tankers have not spilled the oil.

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG. It is somebody shipping through that channel full speed ahead, and by the way, I believe both ships were going wide open.

Captain LAURIDSEN. One had never slowed and the other one had slowed somewhat. Yes, sir.

Mr. YOUNG. Somewhat, otherwise he was still in motion. Maybe he just became aware. But wide open, direct on, no response, duly warned, and they had a collision.

Captain LAURIDSEN. Yes, sir.

Mr. YOUNG. Now if that was to happen to one of our crewed ships, there would be people in jail, and you know what is going to happen to these guys? They are going to walk away from it. You are not going to punish them; you can't.

Captain LAURIDSEN. We will not. I hope that because of our participation at IMO, we have persuaded other countries to take severe sanctions with their licensed personnel as well, sir.

Mr. YOUNG. With that crew? With that captain and that mate? Those mates and those captains were on board and probably not even on the bridge. I'll bet they are sailing this week.

Captain LAURIDSEN. Well, I don't think they are sailing this week because we held them up for the inquiry. [Laughter.]

Mr. YOUNG. You can't stop them.

Captain LAURIDSEN. I hope, Mr. Congressman, you are wrong.

Mr. YOUNG. Well, Captain, I'll tell you what. I'll make you a little wager of a good drink that six months from now, after the inquiry is done, I want a list of the captains and the mates on those crews and I'll bet you they are sailing.

Captain LAURIDSEN. To our ability to respond to that, yes, sir, I'll do it. [Laughter.]

Mr. YOUNG. Thank you, Mr. Chairman.

Mr. HURTO. Thank you, Mr. Young.

Further questions? Mr. Lagomarsino?

Mr. LAGOMARSINO. Captain, in your written statement you made mention of the Hondo offshore storage and treatment facility and said the bill 172 would affect that. Could you tell us what you meant by that?

Captain LAURIDSEN. I believe that was another witness, sir.

Mr. LAGOMARSINO. No, I believe it was you. Page 3, on the bottom, about five or six sentences up?

Captain LAURIDSEN. I'm sorry, sir. Yes, sir.

Mr. LAGOMARSINO. You say, "This would create a serious precedent for tankers utilizing the Hondo offshore storage and treatment facility."

Captain LAURIDSEN. Well, I think the precedent is set; once you control one segment of the United States traffic, then the logical progression is on to the next segment. Right now we have Hondo producing in the area. I think somebody has mentioned that it has been essentially pollution-free, so where do we go from there? I know that you wanted H.R. 172 to be the focus and not necessarily the specific item of discussion. I think we are a little concerned about where does regulation end. Maybe in this hearing, as we discuss potential remedies and potential bounds, this question may go away.

Mr. LAGOMARSINO. Yes. One thing that I don't quite understand is, as I understand it, the *Pac Baroness* had loaded up in Long Beach or Los Angeles and was going to Japan. Why does a ship going to Japan have to go through the Santa Barbara Channel?

Captain LAURIDSEN. The normal trade routes, Mr. Congressman, follow what they call Great Circle sailing, and most of the traffic that routinely trades with Southern California follows a Great Circle from the Far East, which ends in the vicinity of the end of the Santa Barbara Channel. That was one of the reasons why I think we wanted to take the traffic separation scheme out to an additional 25 miles, to meet the end of that Great Circle route, so I think over time trade has established that as the trade route.

Mr. LAGOMARSINO. Well, in any event, as you pointed out, most of the traffic is coastal—

Captain LAURIDSEN. Yes, sir.

Mr. LAGOMARSINO [continuing]. And I think extending the traffic separation lane, whether it is a fairway or not, past Point Conception, which has been called at various times "the graveyard of the Pacific," is a pretty good idea. That is the most dangerous part of the whole journey for most mariners, right there.

Captain LAURIDSEN. Yes, sir, and I think our experience with traffic separation schemes has been positive.

Mr. LAGOMARSINO. You know, Congressman Young suggested that we require pilots on ships using these waters. What is your initial reaction to that? I say "initial" because obviously you—

Captain LAURIDSEN. First, I believe that under current legislation we do not and cannot require pilots. Talking "what if," obviously pilots bring with them local knowledge. To the extent that local knowledge would help the mariner transit that area, I think it has to be positive, but I am not sure that we have the history that shows people navigating the area who are confused or would benefit from the use of pilots.

Mr. LAGOMARSINO. What would the convention on upgrading standards of training, certification and watchkeeping do to this whole thing? Would that require that there be a watchkeeper who in this case spoke English?

Captain LAURIDSEN. No, sir. The International Convention does not address language, and in this area, as I say, the connection without the Board of Inquiry in front of me is somewhat speculative. However, the standards, the Convention on the Standards of Training, Certification and Watchkeeping seeks to make all licensed and certificated mariners subject to some degree of experience, proof and recertification, and also directs their attention to certain known standards of watchkeeping, i.e., the COL regs. As far as watchkeeping, it is kind of a checklist: "These are things to remember. Do these." We feel that the world would be a much better place if all seamen were subject to the same degree of certification.

Mr. LAGOMARSINO. I would just comment for the record that at the present time every pilot flying in any kind of international environment knows English. You fly into Moscow, they talk in English, so I don't know why we can't go further in that direction with regard to ships using our ports, but that is something we can look at later.

Thank you.

Mr. HURRO. Thank you, Mr. Lagomarsino.

I would like to take this opportunity to welcome the newest member of our Coast Guard and Navigation Subcommittee, Mr. Konnyu. It's good to have you with us, Mr. Konnyu.

Mr. KONNYU. I'm glad to be here, sir.

Mr. HURRO. If there are no further questions, we want to thank you, Captain Lauridsen and Mr. Tweedt, for your testimony and for your response to the questions. We appreciate having you here.

Mr. TWEEDT. Thank you, Mr. Chairman.

Mr. HURRO. We will now call our third panel: Mr. Ernest J. Corrado, president, American Institute of Merchant Shipping; John G. Catena, research fellow, The Oceanic Society; Gordon Cota, Pacific Coast Federation Fishermen's Association; and Dr. Russell Schmitt, Director of the Coastal Research Center at the University of California in Santa Barbara.

It is good to have you with us, and again I would ask you to summarize your statements. Your prepared statements will appear in the record.

Mr. Corrado, you may proceed.

STATEMENT OF ERNEST J. CORRADO, PRESIDENT, AMERICAN INSTITUTE OF MERCHANT SHIPPING

Mr. CORRADO. Thank you, Mr. Chairman. As you have already noted, my name is Ernest J. Corrado and I am President of the American Institute of Merchant Shipping, which is a trade association, and we represent approximately 8 million deadweight tons of principally domestic but also some U.S. foreign trade shipping, principally bulk carriers in the dry and wet bulk trades.

Mr. Chairman, I would like the record to reflect that I am authorized to speak also for the Shipbuilders Council of America with respect to this testimony.

Not surprisingly, Mr. Chairman, we of course oppose H.R. 172. We think it is a bad bill. It sets a bad precedent. It relates to a particular trade, a particular flag and particular vessels. We think it is discriminatory. I believe that it violates the due process and commerce clauses of the Constitution, and also the way the language of the bill itself is with respect to ports, I think it violates Article 1, section 8 of the Constitution.

We think it sets a very bad precedent in the world. If we were to enact this bill, I don't think we could complain if other nations in the world began to tamper with the traffic through the various straits and channels of the world. Rather than dwell on our negative views of this legislation, I would rather spend the remainder of my time talking about what we consider the positive aspects, and what might be helpful.

We do support the traffic separation scheme that is in the Santa Barbara Channel, and has been there since 1973. We support its extension from Point Conception to Point Arguell. We support the concept of safety fairways overlapping the traffic separation scheme. We would suggest that the outdated communications laws which are now applied on our vessels be modernized, and that they be amended to replace radiotelegraphy with the radiotelecommunications system which has been agreed to in IMO and which will

come in force, probably in the middle nineties. We also would recommend that the Convention on Standards, Training and Watch-keeping, which was consummated in London at IMO in 1978 be ratified.

In closing, I would point out that the accident that occurred off point conception did not involve tankers. One was a car carrier and the other was a bulk carrier, and the oil that was spilled was bunker fuel, which kind of amuses me because, having been involved in the oil pollution legislation over about the last 14 years, it has always been thought that that legislation applied only to tankers, but indeed the domestic legislation, at least, would apply to this accident and spill.

But my point is, there is no record of tankers having spilled in the Santa Barbara Channel, probably because of the safety measures that are there, and also for a reason that I neglected to mention earlier. This bill discriminates against the very vessels that are the safest in the world, namely U.S.-flag ships, our ships. They are built to exact specifications, controlled by the Coast Guard and the American Bureau of Ships. They are manned by the safest, most qualified seamen in the world. The deck officers have to take exams every five years and upgrade their qualifications, and we have the most stringent safety requirements, so I think that the bill, if anything, is misdirected inasmuch as it relates to the wrong vessels, because of the safety record we have established over the years and because of the safety of our vessels.

With that, Mr. Chairman, I would like to close. Thank you very much for this opportunity to appear. I would be happy to answer any questions, if I am able.

[The prepared statement of Mr. Corrado can be found at end of hearing.]

Mr. HUTTO. All right. Thank you very much, Mr. Corrado. Now we will proceed with Mr. Catena.

STATEMENT OF JOHN G. CATENA, RESEARCH FELLOW, THE OCEANIC SOCIETY

Mr. CATENA. Thank you. Good morning, Mr. Chairman. My name is John Catena of the Oceanic Society, a 40,000-member nonprofit organization devoted to the protection, conservation and wise use of marine and coastal resources. I appreciate your subcommittee's invitation to present testimony today on H.R. 172, regarding vessel traffic safety and the problem of multiple use in the Santa Barbara Channel.

Vessel collisions continue to occur, and the effects of a catastrophic oil spill on our coastal ecosystems could be devastating. The collision this fall between the Liberian-flag freighter *Pac Baroness* and the Panamanian-flag freighter *Atlantic Wing* off the coast of Point Conception, California highlights this problem. As pointed out earlier, the vessels were not oil tankers. *Pac Baroness* did, however, spill a considerable amount of bunker fuel and potentially toxic copper, sulfur and lead ore, the long-term effects of which are still unclear. Had these two vessels been oil-laden tankers, the effects could have been disastrous.

While developing a system for compensating victims and restoring natural resources from damages caused by oil spills, and as we continue to improve our oil spill response capabilities, we must recognize that simply reacting to a spill after the fact is not enough. Measures must be taken to prevent accidents wherever feasible.

The waters and coastal zone of the Santa Barbara Channel area support one of the most extraordinarily varied sets of resources and activities of any offshore region in the United States. The unique oceanographic, meteorological and biological processes in the region combine to support numerous marine mammals, sea birds and important fishery resources. It was the recognition of the ecological importance of this region and the impending development pressures that led the National Oceanic and Atmospheric Administration in 1980 to designate the waters surrounding the channel islands as a national marine sanctuary.

In addition to supporting a number of activities, the Santa Barbara Channel serves as a major ship channel serving both coast-wise and international trade. Merchant vessel traffic through the channel traffic separation scheme is on the order of 25 vessels per day. Some suggest that vessel traffic could increase to as much as 40 to 45 vessels per day within the next 15 years. These types of projections alone raise the question: What is the threshold level at which the existing traffic separation scheme is no longer the most effective means for protecting the safety of life at sea and the marine environment.

H.R. 172 would prohibit tankers carrying Alaskan crude or refined oil from transiting the Santa Barbara Channel. The Oceanic Society is in full agreement with Representative Lagomarsino's concern over the potential effects of oil tanker accidents in this region, and we believe that his proposal is one important option which needs to be considered. However, a number of other options need to be considered as well.

First is the ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers which we have heard about from some other witnesses today. This convention provides the basic guidelines and principles to be observed in training, certification, and operational methods of watchkeeping for seafarers. Although the treaty entered into force in April of 1984, the U.S. has not yet ratified the convention. We would urge the U.S. Senate to take quick action and ratify the treaty.

Additionally, a mechanism for monitoring foreign-flag manning and license requirements is also necessary. We would urge that the U.S. Coast Guard develop such a mechanism and propose it for discussion at the next appropriate meeting of the IMO's Subcommittee on Safety of Navigation.

Second is the implementation of a safety fairway. As discussed earlier, the Oceanic Society believes that the implementation of a safety fairway from Long Beach to San Francisco would be one effective measure of preventing accidental collisions with offshore oil platforms. We would urge the subcommittee to give its full support for such a measure, and also urge the Coast Guard to move on this proposal expeditiously.

Thirdly is the extension of the traffic separation scheme. In order to complement the safety fairway, as suggested above, we urge the Coast Guard to initiate the process for the establishment of a traffic separation scheme from Point Arguello to the traffic separation scheme located at the entrance of San Francisco Bay. Currently, sufficient navigation aids are lacking north of Point Arguello. We would urge the Coast Guard to consider the establishment of navigational aids other than oil platforms, such as unmanned large navigational buoys.

Fourth, we would support development of a vessel reporting system. Adequate monitoring of vessel traffic movements currently does not exist for the Santa Barbara Channel. The recent collision in the channel and the expected increase in traffic calls for a vessel reporting system. A voluntary reporting system has been used with great success in the approaches to San Francisco Bay. We would again urge the Coast Guard to initiate the process in IMO.

Fifth, the Oceanic Society would recommend that the subcommittee request that Congress' Office of Technology Assessment undertake a short-term study concerning three areas which I have outlined in my written statement.

Last, we would support several complementary measures. The Oceanic Society urges Congress to enact expeditiously legislation on oil spill liability and compensation. Similarly, while not having examined the bill closely, we support in principle the bill introduced by Representative Studts on liability and compensation for damages to the natural resources of national marine sanctuaries.

In closing, Mr. Chairman, the ecological importance of the Santa Barbara Channel area cannot be overemphasized. This fact must be the overriding concern in making any decision on the use of the channel. The Oceanic Society greatly appreciates Representative Lagomarsino's role in bringing this issue before the subcommittee, and we look forward to working with the subcommittee on this matter.

Thank you.

[The prepared statement of Mr. Catena can be found at end of hearing.]

Mr. BIAGGI [acting chairman]. Mr. Cota.

STATEMENT OF GORDON COTA, PACIFIC COAST FEDERATION FISHERMEN'S ASSOCIATION

Mr. COTA. Good morning, Mr. Chairman, members. My name is Gordon Cota. I would like to thank you for this opportunity to participate in a great American system, to testify in front of the subcommittee.

I would like to also thank Representative Lagomarsino for his brief elevation of honorarium to Ph.D. when he mentioned me earlier, but I am a commercial fisherman and I have been a commercial fisherman in the Santa Barbara Channel for 18 years, and so my interest and approach to this subject might be different than a Ph.D. and, if you will, maybe more practical. [Laughter.]

I represent the Pacific Coast Federation of Fishermen's Associations, which is a conglomerate of 24 organizations spread throughout California, Oregon, Washington and Alaska. As a fellow

seaman with the tanker traffic industry and the concerns of Representative Young from Alaska, we are in favor of the spirit of H.R. 172 but we are concerned that the only power that you have is American-flag shipping, which is already suffering. Our concern is based on the fact that if you move American shipping outside the channel, it puts us in a situation to be run over at two particular places, maybe simultaneously.

We still have a concern about the problem created by the *Pac Baroness* because that ship was not a tanker. The experience that happened there is something maybe we could learn from and carry forward. The problem with the oil response recovery team that was participating in the cleanup system, it was inadequate and could not do much to protect the environment.

I would like to take the approach of discussing some of the measures that we feel would be practical, useful and easy to utilize right away. These are the utilization of equipment on the rigs.

If you look at the northern end of the channel, mandated by the State Coastal Commission, which I understand is really not that popular in Washington right now, they required that there was a radar reporting system on the platform Harvest which is owned by Texaco. That is the system that actually warned the *Pac Baroness* and the *Atlantic Wing* of the impending collision. We would like to see the utilization of that with some teeth behind it, where they would have some power to identify traffic and come up with ways of managing the traffic to the channel.

Also on the eastern end of the channel there is the platform Gale, which could utilize this same sort of system, which would have coverage of around 50 to 75 miles with their radar unit, which would cover the shipping coming out of the Los Angeles and Long Beach area.

We would support a vessel traffic reporting system, much utilized in Puget Sound, in San Francisco. The fishermen think that that's a worthwhile project. Having fished up in the San Francisco area when there was thick, black fog, it was very helpful to listen over channel 16 and channel 13 where they report on the traffic in the area and its movement, so you could, maybe not by seeing them, you could more or less have an idea when you looked in your radar and saw these blips, that at that speed and that size on the blip, that that possibly was the ship that was reporting, and it kind of gave you an understanding.

For example, during the summer I fished one day off of the Point Reyes area with about 500 salmon trollers, and probably the ship traffic going in and out of San Francisco Bay, around 40 or 50 ships. I felt very comfortable, even though it was very thick fog, that by listening to the radio and putting what I could see in the radar together, that I had a good idea that I was fairly safe or I was in really big trouble.

We would like to see, if you will, this H.R. 172 go ahead on, if you will, a "slow bell." By that I mean appealing to the IMO to include all shipping. If we just send American ships outside the islands, there is going to be sort of a scattered pattern. What we need is the traffic lanes outside of the islands, so the ships know where they are going and we know how to deal with it. I think that it would be useful to take this slow approach.

Thank you.

[The prepared statement of Mr. Cota can be found at end of hearing.]

Mr. BIAGGI. Dr. Schmitt.

STATEMENT OF DR. RUSSELL SCHMITT, DIRECTOR, COASTAL RESEARCH CENTER, UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Mr. SCHMITT. Good morning. My name is Dr. Russell Schmitt, and I am the director of the Coastal Research Center of the University of California at Santa Barbara.

My intent today is to provide a measure of appreciation for the unique and abundant natural resources of the Santa Barbara Channel that are at greatest risk to human activity. As you are well aware, the astonishing array of pristine habitats and the extraordinary diversity of plants and animals in the channel are national treasures worthy of the utmost protection.

Clearly the crown jewels of the channel are those large islands offshore that form the Channel Islands National Park and lie within the Channel Islands National Marine Sanctuary. These spectacular islands contain tide pools and rocky shores that abound with a vast diversity of plants and animals that are found much less commonly elsewhere. Just offshore are extensive beds of giant kelps plants that are literally marine forests teeming with sea life. Kelps forests are important nursery areas for numerous commercial fin fishes and shellfishes. Wetlands are rare habitats in California, yet there are four of these wetland areas in the Santa Barbara Channel area.

Perhaps the resource that is at greatest risk are those spectacular animals that are associated with the Channel Islands and their surrounding waters. There are literally thousands of sea birds that live on the channel islands and feed in the waters. About 1 out of every 10 sea birds in California breeds on these islands. Perhaps the most important of these is the brown pelican, which is a species that nearly went extinct in the 1970's. The only breeding population of the endangered brown pelican in the United States occurs on these islands.

The Channel Islands also harbor an amazing number of marine mammals. Six different species of seals or sea lions alone occur there. A rookery on San Miguel Island is the only place in the world where so many species of seals breed. In fact, the endangered northern fur seal only breeds at San Miguel Island and a few islands in the Bering Sea.

The waters of the Santa Barbara Channel harbor even more species of marine mammals. At least six different species of whales navigate the channel, with the California grey whale being a particularly regular inhabitant. At any moment in time, five different species of porpoise and dolphin can be seen feeding on the abundant fishes of the channel. Now I know of no other area in the world that contains this extraordinary number of different kinds of marine mammals, and that doesn't include the sea otter, which was recently introduced to one of the islands.

Now the reason that so many marine mammals and sea birds live and breed in the channel is the abundance of food in these near shore waters. Because of the particular oceanographic conditions of the area, organisms normally found in either warm or cold waters occur together in the channel region. Now this results in an unusually large and regular supply of food for mammals, birds and fishes.

The region supports more than a dozen major fisheries. In addition to fin fishes, thousands of tons of abalone, sea urchins, shrimp and rock lobster are harvested from these waters annually.

As you also know, there are numerous other functions of the Santa Barbara Channel. One close to me is that the region is a natural laboratory for academic research and teaching on coastal marine ecosystems. My institution, the University of California at Santa Barbara, receives in excess of \$5 million a year from the State and Federal Government to study basic and applied questions dealing with the habitats, plants and animals of the channel.

In addition to commercial fishing, tourism is of fundamental economic importance to the region. Thousands of people visit the channel and its islands to boat and fish in the waters and to relax on its sandy beaches.

The near short region of the channel also contains rich resources of oil and gas. The development of these reserves is slated to expand greatly in the next decade, and it represents the major source of industrialization of the area. New oil production platforms will spring up in the channel and additional tankers will load at new or existing marine terminals in the channel.

The Santa Barbara Channel, as you know, is a major shipping lane, and the traffic volume there is projected to increase in the next decade. Our worst nightmare is a tanker sinking or a collision between a vessel and an oil platform that results in a catastrophic spill of oil. The recent collision in the channel between the *Pac Baroness* and the *Atlantic Wing* reminds us that our safeguards are not adequate.

The sinking of the *Pac Baroness* probably did not result in immediate environmental damage of any great magnitude. Relatively little of the ship's fuel oil was released during the collision, and still less reached sensitive habitats, but we learned a very important lesson here: Our ability to contain and clean up even small oil spills at sea is inadequate.

At this moment it is not clear if long-term environmental damage might occur from the sinking of the *Pac Baroness*. It is estimated that the sinking vessel still contains a couple of hundred thousand gallons of fuel oil. In addition, the vessel carried a cargo of copper ore, which is a substance that can be highly toxic to marine life.

Now recent investigations by scientists from my institution were funded by NOAA, NSF, Mineral Management Services, EPA, and supported by Congressman Lagonarsino. Our results indicate that the cargo hold of the *Pac Baroness* is indeed breached; that the copper ore has fanned out over the sea bottom; and that copper is already dissolving into the water and into bottom sediments. In addition, fuel oil has mixed with the copper ore and is penetrating into the bottom sediments, and this is occurring for several hun-

dred meters around the shipwreck. At this time we do not know if the rich fishery resources of the area, including dover sole and black cod, will be adversely affected by the copper.

Concern to protect the integrity of the natural resources of the Santa Barbara Channel is clearly justified. A massive spill of oil could be catastrophic. While the scientific community still lacks sufficient information to predict long-term effects of an oil spill, the immediate impacts are obvious and unacceptable.

Hundreds of thousands of sea birds would die from oiling of their feathers, and many more would starve by loss of their food. Encroachment of a spill on marine mammal rookeries would cause deaths, especially of young, and abandonment of breeding sites. It could take years before a new breeding population becomes reestablished. We have also learned that very young stages of marine animals are much more sensitive to hydrocarbon contamination than are adults. The death of young fishes and shellfishes could affect both commercial fisheries and other animals that feed on these forms for decades.

Perhaps the most important fact we scientists can share is that we lack the knowledge and ability to repair environmental damage of this sort. The only way to maintain the integrity of our coastal natural resources is to prevent the damage in the first place. Our collective motto has to be, "Since we can't fix it, don't break it."

A large volume of shipping traffic in a confined channel does not appear to be compatible with numerous oil platforms and loading tankers. Resolutions could include directing all vessel traffic south of the Channel Islands, development of a traffic control system, required radio contact between all vessels and oil platforms in the channel, and development of an appropriate emergency response system in case of an accident.

I applaud Congressman Lagomarsino's vision and urge your support in resolving this problem. Thank you.

Mr. BIAGGI. Thank you very much for your testimony.

Mr. Corrado, I understand certain advanced radars will be required on all large vessels entering U.S. ports sometime in the early 1990's. Also, NAVTE's will be on line about the same time which will provide a hard-copy printout of certain very important information such as weather warnings, Notices to Mariners, navigational warnings, search and rescue information, and pilotage services. What other changes in modern communications equipment do you believe we should consider?

Mr. CORRADO. Well, Mr. Chairman, I spoke earlier about changing from radiotelegraphy to the global maritime distress safety system, which consists of a variety of new communications techniques. It is bridge-operated. It is a single-sideband radio voice (2) There is satellite, (ship earth station) voice/TELEX. There are two VHF radios (bridge-to-bridge); a narrow band direct print radiotelegraph; NAVTE receiver (automatic reception of navigation warnings) which you already mentioned; MF auto alarm; and a 2182 alarm receiver and generator.

Now, Mr. Chairman, IMO has been working on this system over the past several years and the International Radio Regulations have already been amended to accommodate this equipment and the Safety of Life at Sea Convention will be amended in 1988. How-

ever, GMDSS probably won't become effective internationally until the mid-nineties, but it is definitely coming throughout the world, and I think sooner or later one of these years we are going to have to enact domestic legislation, or at least work on it, to do this domestically, but that is the system, Mr. Chairman. It is modern and we have it on our vessels voluntarily now, and I think some 16 or 18 countries belonging to IMO already are using this system.

Mr. BIAGGI. Using this advanced radar system?

Mr. CORRADO. Yes, sir. Using the components of GMDSS which I have just mentioned.

Mr. BIAGGI. Thank you.

Mr. Lagomarsino.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

Mr. Corrado, I want to thank you, not particularly for attacking my bill, although I understand, but for your very constructive suggestions, many of which we have already started to look at. You have explained your association's opinion on ratification by the United States of the IMO Standards for Training, Certification and Watchkeeping. What can we do, in your opinion, what can we do to help get that ratified, enacted?

Mr. CORRADO. Well, that's a difficult question, Mr. Lagomarsino, and the reason it is a difficult question is that we, the U.S., has an extremely poor record of ratifying maritime conventions, and indeed treaties in general. One of the few treaties we have ratified are the Panama Canal Treaties, by one vote, and a lot of the people when I was here opposed those treaties, but that is something else again. But we have a very poor record in that regard, and frankly, in some instances, there are reasons for that.

In order to be constructive, I guess the thing you have to do is lobby the Senate and the Senate Foreign Relations Committee. Also, if it is convenient I would like to talk to you privately about that, too. There are other aspects that I wouldn't really like to talk about publicly.

Mr. LAGOMARSINO. If that were in effect and followed, would that in your opinion have prevented this accident?

Mr. CORRADO. Well, I am not sure about that, Mr. Lagomarsino. As I understand that accident, these vessels were going about 15 or 16 knots in dense fog. I think it is very difficult to say that ratification would have prevented the accident, but the question was asked earlier what this Convention does, and it does several things. It brings licensing up to our standards and in some cases beyond our standards, and it establishes control procedures. To the extent that it establishes control procedures, it may have prevented this accident, but when you get two vessels out there in the fog operating recklessly like that, it is hard to say that anything we might do would prevent that.

The other thing, Mr. Lagomarsino, is that despite the fact that U.S.-flag vessels have the best safety equipment, and a good record, if you look around the world, every incident there has ever been, came down to the con. It came down to the guy who was manning the vessel. From the *Torrey Canyon*—on down over the years, you really can't, either internationally or domestically, legislate away human error. All you can try to do is get it to a minimum, and to a large extent we have done that, although there are some instances

where we haven't, but to a large extent we have. But no matter what you do, sir, I don't think you will ever be able to, internationally or domestically, bring it down to zero, because people are people and they make mistakes. We all do, and so occasionally does the guy on the con, unfortunately.

Mr. LAGOMARSINO. We have received conflicting information on both the additional distance required if vessels were rerouted to lanes on the seaward side of the islands, and on the additional cost per one-way voyage. Do you have any information on that, how much further?

Mr. CORRADO. Well, I would say from our vessels' standpoint, anyway, it may be about two or three hours more and about \$3,000 (just a guess) more to go outside, but I think also, sir, you have to take into account, if you do go outside you may have a whole lot of other problems. You know, maybe another way to look at it is, you are in the channel, you are in there now, you have a traffic separation system and hopefully soon an extension and hopefully a safety fairway overlay. If you go outside, you are all the more in the high seas without these controlled navigational aids, and you have all kinds of other problems such as missile ranges, etc. Whether you could get IMO to establish a traffic separation scheme out there is highly unlikely, quite frankly.

Mr. LAGOMARSINO. Do your members avoid the dumping grounds which are unused in the Pacific Test Range when no tests are announced?

Mr. CORRADO. I can't answer that, sir, because I don't know. I could say that about five or six of our vessels a week go through the channel, and the rest of our vessels go to Panama and so they are way out beyond that. The vessels that come down from Alaska to Panama are roughly 100 miles out at sea.

Mr. LAGOMARSINO. So they are way beyond that?

Mr. CORRADO. Yes, they are far beyond that, so to that extent I guess I have answered your question.

Mr. LAGOMARSINO. Okay, so we don't need traffic separation lanes out there in any event?

Mr. CORRADO. I don't think so, and I don't think you could ever get the maritime nations of the world to agree to that.

Mr. LAGOMARSINO. Mr. Cota, I called you "doctor." I guess you are a doctor of "fishology," but certainly one thing you are is an expert, because you have been there a long time and you make your living there, and you observe what goes on in the channel probably closer than anybody else in this whole room. Can you describe in your own words some of the problems that fishermen encounter with large vessel traffic in the channel?

Mr. COTA. The biggest problem we have is them not coming back to us on the radio. In defense of American shipping, it is almost 100 percent compliance that they come back on the radio. One of the fisheries that I have been involved in is fishing further and further offshore for swordfish, and the problem that our fleet is having there is getting those vessels to come back. We are drifting with a mile-long net that is below the surface. Some of the fishermen in the fleet have gone to—in frustration in trying to communicate with them on the radio, to get them to come back—have gone to firing rounds of tracer bullets, which normally—this is after you

have shot all your flares and everything else—and that has become probably one of the most successful ways of communicating. [Laughter.]

Mr. LAGOMARSINO. That may or may not be included in whatever legislation the committee reports. [Laughter.]

Do you feel that ship accidents in the channel are unlikely to occur or that it was just inevitable that something like the *Pac Baroness* and the *Atlantic Wing* took place?

Mr. COTA. I can't really answer that for sure. If I had that ability, I probably wouldn't waste my time answering that. I would be more in horse racing or the stock market.

I just see that the channel is becoming more and more crowded. If I could just, since we are talking about maritime matters, tell you a sea story, briefly?

Mr. LAGOMARSINO. Sure.

Mr. COTA. I don't know how familiar the gentlemen on the committee are with this area here off of Point Conception, but in the last couple of years there has been the placement of four oil rigs right off the point, and what that has done is, because there is no traffic in there, some of the ships have taken to—and this is the area where I mentioned earlier on Platform Harvest there is this radar-enhanced picture, where they try to communicate with the ship traffic.

I don't want to burden any of the oil companies, and Texaco in particular, because they have their own problems right now, by getting them involved in something, but I would like to see some support from the Government, backing these people, some sort of foot-in-mouth assurance that there will be a reporting system. This is not even to the level of voluntary, which there is in San Francisco. This is just sort of a voice out of the wilderness saying, "Hey, by the way, what is the name of your vessel? We have oil rigs out here and we would like a two-mile CPA, if you will."

Well, I was fishing off of Point Arguella here, and I was in 25 fathoms of water and I was trolling for salmon. All of a sudden my totally mellow morning, if you will, was spoiled by this loud blast on a horn, which I think—my boat is 52 feet long, and I think in one step I made it from the stern of the boat to the pilothouse where the radar is, without even touching the deck. I ran there and I peered at the radar. It was completely black, blanked out with the ship, with the intensity of the target that was coming in.

I immediately called on channel 16. By that time I could look out back and I could see the color of the ship coming. I turn the vessel hard over, tangling all my trolling gear. The vessel came back, and it was a cargo vessel heading to Alaska. What he had done is, he had gone inside the rigs. They are perfectly within the law to do that, but nobody ever does it. So I mentioned to him that, "Fine, we have no problem. We are going to clear each other by a quarter of a mile in thick fog, but you might want to bend out a little further because up above me about five or six miles are about 80 or 90 trollers, not all of them having the benefit of radar and not having the benefit of maneuverability because of the concentration of vessels up there."

This area—it's a long way of answering your question—is just getting more and more congested. We totally support the traffic

lane and the extension of it, because of adding grey hairs and taking a few years off my life in situations like I have just explained.

Mr. LAGOMARSINO. Dr. Schmitt, I want to thank you for coming also. What role do you foresee the University taking, beyond what you have already described, in the investigation of this incident and perhaps suggestions for improvement of the situation?

Mr. SCHMITT. Well, our university clearly would like to follow up on whether or not this particular accident, the sinking of the *Pac Baroness*, might constitute a long-term environmental problem in terms of the dissolved copper getting into the fishery resource. At this moment we are seeking funding for a continued long-term study. We haven't secured that at this moment. We are still just completing our initial sampling plan. In fact, we have another two-day trip planned to get back to the site.

We are in the process of analyzing the samples we do have. Some of the samples can be analyzed real time, and others there is a long lead time, especially when it involves analysis of metals, but I think we want to keep a watch on this fairly closely to make sure that whatever we can learn about rates of uptake of hazardous material into the food chain is identified. I think there are some basic as well as applied questions that we would like to follow.

I think in general the University is becoming much more interested in applying the basic sciences with directly applied problems. One of the thrusts I believe our university is considering is the development of an environmental science in management approach, a thrust. I think we have some initiatives underway. That is in the planning stages, so in general I think our university is becoming much more aware of society's need for trained professionals in these areas, not just scientifically but in policy as well. This isn't entirely because of the activities in our channel or our back yard, but in large measure I think it is appropriate that we try to provide some of the future leadership in the area.

Mr. LAGOMARSINO. Have you conducted studies on the effects of other contaminants that might be released into the channel?

Mr. SCHMITT. Yes. In fact, right now we have a number of studies. We are completing a 10-year study of the effects of a coastally-sited power plant, for example. We have a project underway where we are looking at specifically the effects of contaminated produce water released from the initial processing of oil into our near shore waters. We have a number of studies of hydrocarbon effects. One of the things that has been well studied is the lethal effects of hydrocarbon, that is, it does kill at some concentration, as well as other organic compounds.

One of the effects that isn't particularly looked at is what is called sub-lethal effects, for example, things that don't kill but could severely influence population sizes in the future. A poignant example, I might point out, is the fact that kelp bass, which is a major sport fish in Southern California, there are still areas in Southern California where kelp bass contain DDT residue, even though it has been banned for quite a number of years. The effect of DDT residue on kelp bass is to prevent females from making eggs, and so those females are essentially worthless for contributing to fish stocks.

Those are the sorts of areas that we are particularly interested in, things that are much more subtle, much more difficult to get at. We want to know more about, when you kill hundreds of thousands of the larval stages of fish and important shellfishes, what does that mean about the harvestable stock? Does that mean they are going to decline, and over what size of an area?

Mr. LAGOMARSINO. Thank you.

Mr. BIAGGI. Mr. Konnyu?

Mr. KONNYU. Thank you, Mr. Chairman.

Mr. Corrado, you stated in a reply to Congressman Lagomarsino, that you thought that the additional cost per ship for this diversion that H.R. 172 would suggest would be about \$3,000. I had read an analysis that claimed a \$60,000 additional cost. That is 20 times bigger than your estimate. What are you suggesting that your estimate is based on? Is it strictly guess or by experience?

Mr. CORRADO. Well, it was strictly by guess. I am assuming that it is allegedly only between two or three hours to go around, so based on estimated costs going through a two or three-hour diversion may not be much more than a few thousand dollars, but I am not an operations man so I really do not know.

Mr. KONNYU. Now that \$2,000 or \$3,000 additional cost, is that based on traversing the missile range? Presumably if you had to go around it there would be more than two or three hours additional costs.

Mr. CORRADO. If you had to go around the missile range, it would depend, sir, how far out to sea you had to go, I think, as to how much. Obviously the more we have to go out and the longer the time, the more expensive it would be.

Mr. KONNYU. So it would be logical to presume that the \$3,000 estimate versus the \$60,000 additional cost estimate would be based on traversing the missile range?

Mr. CORRADO. Much closer in, yes, sir. I don't know what the \$60,000 was based on—

Mr. KONNYU. I don't, either.

Mr. CORRADO [continuing]. But my guess is it was going out quite a ways. It would probably require quite an amount of time, because that's where the money comes in, the longer you are out there.

Mr. KONNYU. Thank you very much.

Dr. Schmitt, just one quickie. You mentioned the kelp beds. Having fished in that area, sport fishing, being a Californian, your estimate on the impact of DDT in female kelp bass that you mentioned, that must be some very low impact because if I remember correctly, I think I caught some kelp bass.

Mr. SCHMITT. Right. You probably caught quite a few kelp bass, Congressman. Let me clarify. This is one area that is located off of Palos Verdes. That is the only area that I know of. Kelp bass populations tend to be very localized, and so it is not—I don't mean to leave the impression it is a widespread problem. It's not.

Mr. KONNYU. Okay. Thanks.

Thank you, Mr. Chairman.

Mr. BIAGGI. Thank you.

Mr. CORRADO. Mr. Chairman?

Mr. BIAGGI. Mr. Corrado.

Mr. CORRADO. I wonder if I might just reply to Mr. Konnyu once again?

Mr. Konnyu, my staff tells me that the \$60,000 is a yearly figure. I'm sorry I didn't know that.

Mr. KONNYU. That wouldn't make any sense either, because if you take five ships a week, making your cost \$15,000 weekly times 52, it would be more than \$60,000, so——

Mr. CORRADO. Well, we will look into it and supply the answer for the record. I will ask the head of the Marine Department of the company that goes into L.A. and Long Beach,

The company most involved in that area informs me that to go outside amounts to \$8,000 for a round trip, and at twenty-five round trips per year, it amounts to a cost of \$200,000 per ship per year.

Mr. KONNYU. Thank you.

Mr. BIAGGI. Thank you very much gentlemen, for coming all the way from California. We appreciate the testimony that you provided.

The meeting is adjourned.

[Whereupon, at 12:05 p.m., the subcommittee adjourned subject to the call of the Chair.]

[The following was submitted for the record:]

100TH CONGRESS
1ST SESSION

H. R. 172

To prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1987

Mr. LAGOMARSINO introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That no vessel which is transporting from any port in the
4 State of Alaska—

5 (1) any crude petroleum extracted within that
6 State; or

7 (2) any product derived from such petroleum,
8 to any port in the State of California which is east or south of
9 the Santa Barbara Channel Islands of San Miguel, Santa

1 Roca, Santa Cruz, and Anacapa may use any route which
2 results in the vessel passing through any territorial waters or
3 international waters which lie between such islands and the
4 coast of California.

5 SEC. 2. The owner, master, or person in charge of any
6 vessel which violates the first section of this Act, or any or
7 all of them, is guilty of an offense and upon conviction shall
8 be fined not less than \$5,000 or more than \$50,000 or im-
9 prisoned for not more than five years, or both.

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USDOT LEG-COUNCIL

NO. 203

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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20540

Honorable Walter B. Jones
Chairman, Committee on Merchant
Marine and Fisheries
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your request for our views on H.R. 172, a bill "To prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands."

We strongly oppose enactment of H.R. 172.

H.R. 172 would prohibit large oil tankers that carry Alaskan crude oil from traversing the waters that lie between the Santa Barbara Channel Islands and the mainland of California. It would also subject the responsible party to a fine of from \$5,000 to \$50,000 and/or imprisonment of up to 5 years.

Although no purpose is stated for such a prohibition, apparently oil tankers carrying Alaskan crude oil would be barred from the Santa Barbara Channel to protect the marine and nearshore environments from the effects of possible oil spills. However, in light of the oil tanker traffic associated with onshore and offshore California oil production and international oil tankers that would continue to ply the Santa Barbara Channel, this legislation would not accomplish that purpose.

Under the Ports and Waterways Safety Act (P.L. 95-474; 33 U.S.C. 1223), the Coast Guard is responsible for providing safe access routes for the movement of vessel traffic proceeding to or from ports. In designating necessary safety Fairways and Traffic Separation Schemes, the right of navigation must be recognized as paramount over all other uses. However, prior to taking action, the Coast Guard is obligated to study the issue and reconcile the need for safe access routes with the need for other reasonable uses, to the extent practicable.

Through the Offshore Leasing Management Division of the Minerals Management Service (MMS), the Department has been participating in the Coast Guard's study of Port Access Routes

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in an area offshore California and the Santa Barbara Channel. Comments and information have been submitted concerning the potential effects of proposed safety routing systems on both leasing and operational aspects of oil and gas exploration and development on the Pacific Outer Continental Shelf. Based on this work with the Coast Guard, we consider that the Traffic Separation Schemes and Safety Fairways now established provide safe access routes to all ports in the Southern California area. Therefore, there is no need for H.R. 172 to restrict access through the Santa Barbara Channel for selected vessel traffic. Also, we believe the bill raises additional safety problems which may occur from routing vessel traffic where there are no safety lands or navigational aids and where weather conditions may be less favorable.

Furthermore, H.R. 172 would place an access restriction specifically on vessels transporting Alaskan oil. Such a restriction would not be expected to significantly impact the marketing of Alaskan oil, except to increase the time and fuel costs of transporting the oil around the islands to southern ports. Since the Santa Barbara Channel is an international waterway, the proposed detour could not be extended to foreign-flag vessels that would be carrying foreign oil. The legislation, therefore, would unnecessarily handicap U.S. tankers carrying Alaskan crude by forcing them to take a 100-mile detour while other tankers could take the shorter route through the channel. No basis has been shown for such a restriction.

Finally, transportation activities in the channel are already carefully regulated and monitored by Federal agencies. We are aware of no problems nor any accidents involving U.S. oil tankers in the channel which would warrant this kind of restriction.

Under Coast Guard management responsibility, we favor flexibility for joint use by all users while meeting the need for safe access routes. Therefore, without a clear safety need, we oppose a bill which would add time and costs for selected users, and could potentially limit market outlets for Alaskan oil.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

SECRETARY



DEPARTMENT OF THE NAVY
OFFICE OF LEGISLATIVE AFFAIRS
WASHINGTON D C 20350

IN REPLY REFER TO
LA-61:mrl
Ser: 1243
04 Dec 1987

Dear Mr. Chairman:

Your request for comments on H. R. 172, 100th Congress, a bill, "To prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands," has been assigned to this Department by the Secretary of Defense for the preparation of a report expressing the views of the Department of Defense.

The Department of the Navy, on behalf of the Department of Defense, opposes enactment of H. R. 172 because it is contrary to U. S. ocean policy and customary international law as expressed in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Under international law all vessels are guaranteed the right of innocent passage through the territorial sea and the freedom of navigation on the high seas. If the U. S. Congress passed a law which denied these rights, U. S. navigational and national security interests worldwide would be undermined.

The proposed legislation appears to be unnecessary. The purpose of the bill is to protect the Santa Barbara Channel Islands and the coast of California from damage due to a tanker accident. The bill would impose restraints on Alaskan crude oil tanker traffic.

A vessel routing system for the approaches to Los Angeles/Long Beach Harbor is in effect that includes an internationally recognized traffic separation scheme in the Santa Barbara Channel. It is our opinion that the traffic separation scheme is the most appropriate means to safely move oil-laden tankers.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H. R. 172 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely,

Captain J. A. Jones
Captain, JAGC, U.S. Navy
Assistant Secretary

The Honorable Walter B. Jones
Chairman, Committee on Merchant Marine
and Fisheries
House of Representatives
Washington, D. C. 20515



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

This is in response to your letter of November 25 to Mr. Richard J. Smith inviting the Department to submit comments on H.R. 172, a bill to prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands. Below are our comments.

We note that H.R. 172 refers to "vessel", without explicit description of the vessel's flag. However, the trade described in the first section of the bill is apparently covered by the Jones Act, 46 U.S.C. §883, so that the bill's proscriptions would affect only U.S.-flag vessels. If this is the intended reach of H.R. 172, the Department has no further comment.

If, however, H.R. 172 is intended to apply in some unspecified fashion to foreign-flag vessels, then the following comments apply. The United States has consistently avoided any appearance of unjustifiably interfering with the freedom of navigation on the high seas or in the waters of the exclusive economic zone (EEZ) throughout which that freedom applies, or of hampering the right of innocent passage through the territorial sea. The bill as drafted states that the "owner, master or person in charge" of the vessel could be fined or imprisoned for violating the proscription against "passing through any territorial waters or international waters" in the vicinity of the Santa Barbara Channel. Though some proscription of this type might be permissible, for example as a fully publicized condition of entry of foreign-flag vessels into a U.S. port, the Department considers that such a unilateral conditioning of port access upon the route taken by the ship even outside the U.S. territorial sea could only be expected to encourage similar or more novel conditions by other

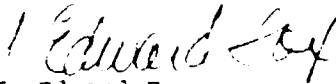
The Honorable
 Earl Hutto,
 Chairman, Subcommittee on Coast Guard
 and Navigation,
 House of Representatives.

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States on access to their ports, to the ultimate detriment of U.S. maritime mobility and commerce. We would also note that, under international law as reflected in the 1982 United Nations Law of the Sea Convention, it would not be permissible to take measures in the U.S. EEZ to enforce this proscription. Finally, the imprisonment penalty would not be appropriate since, under Article 230 of the Convention, only monetary penalties may be imposed for violations of applicable environmental laws committed by foreign vessels beyond the territorial sea, as well as for violations within the territorial sea except for wilful and serious acts of pollution.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Edward Fox", written in a cursive style.

J. Edward Fox
Assistant Secretary
Legislative Affairs



U.S. Department of
Transportation

General Counsel

400 Seventh St. S.W.
Washington, D.C. 20590

JUN 4 1987

The Honorable Walter B. Jones
Chairman, Committee on
Merchant Marine and Fisheries
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the
Department of Transportation on H.R. 172, a bill

"To prohibit vessels transporting Alaskan oil from
using routes through the territorial and international
waters northward of the Santa Barbara Channel Islands."

This legislation would prohibit U.S.-flag vessels transporting
Alaskan oil from Alaska to California from using a route that
passes through territorial and international waters between the
Santa Barbara Channel Islands and the coast of California. A fine
of \$50,000 and imprisonment of up to five years could be imposed
for violation.

The purpose of the bill is to protect the Santa Barbara Channel
Islands and the coast of California from damage due to a tanker
accident. The bill would impose restraints on Alaskan crude oil
tanker traffic but it would not restrict all other U.S. and
foreign flag tanker traffic (as, under accepted principles of
international law, it may not) from using the same route.

A vessel routing system for the approaches to Los Angeles/Long
Beach Harbor is in effect that includes an internationally
recognized traffic separation scheme in the Santa Barbara Channel.
It is our opinion that the traffic separation scheme is the most
appropriate means to move oil laden tankers safely.

The Department of Transportation does not support the enactment of
H.R. 172. In view of the absence, so far, of oil spill incidents
caused by Alaskan oil tanker traffic in the Santa Barbara Channel,
and the discrimination directed solely against the transportation
of Alaskan crude oil, we see no reason to require U.S.-flag
vessels to undertake a longer voyage when transporting Alaskan oil
to California ports.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Congress.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rosalind A. Knapp". The signature is fluid and cursive, with the first name "Rosalind" being more prominent and the last name "Knapp" following in a similar style.

Rosalind A. Knapp
Deputy General Counsel

STATEMENT OF WILLIAM P. HORN, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, CONCERNING H.R. 172, TO PROHIBIT VESSELS TRANSPORTING ALASKAN OIL FROM USING ROUTES THROUGH THE TERRITORIAL AND INTERNATIONAL WATERS NORTHWARD OF THE SANTA BARBARA CHANNEL ISLANDS.

DECEMBER 9, 1987

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

Mr. Chairman, the purpose of the bill -- to protect the marine and nearshore environments from the effects of possible oil spills -- is highly laudable.

We are especially mindful of the need to protect the marine resources of Channel Islands National Park, which was designated by Congress in 1980. The legislation establishing the park introduced by Congressman Lagomarsino specifically stated as its purpose the protection of the nationally significant natural marine and other values.

The park includes six of the Channel Islands and the rocks, submerged lands, and waters within one nautical mile of each island. The park is also a Biosphere Reserve, in recognition of its international significance, and the Department of Commerce has designated the park as part of a National Marine Sanctuary.

We are convinced that the safety procedures which are being followed under existing law are more than adequate to protect the area's outstanding resources. Since an extra layer of protective

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measures is not needed, the Department does not support H.R. 172. Moreover, we are persuaded that it unnecessarily discriminates against Alaskan oil and U.S. tankers.

Under the Ports and Waterways Safety Act (P.L. 95-474; 33 U.S.C. 1223), the Coast Guard is responsible for providing safe access routes for the movement of vessel traffic proceeding to or from ports. In designating necessary Safety Fairways and Traffic Separation Schemes, the Coast Guard is obligated to study the issue and reconcile the need for safe access routes with the need for other reasonable uses, to the extent practicable. We favor the flexibility for joint use, as safe access under Coast Guard management has been consistently demonstrated throughout U.S. waters.

Through the Offshore Leasing Management Division of the Minerals Management Service (MMS), the Department has been participating in the Coast Guard's study of Port Access Routes in an area offshore California and the Santa Barbara Channel. Comments and information have been submitted concerning the potential effects of proposed safety routing systems on both leasing and operational aspects of oil and gas exploration and development on the Pacific Outer Continental Shelf. Based on this work with the Coast Guard, we consider that the Traffic Separation Schemes and Safety Fairways now established provide safe access routes to all ports in the Southern California area.

Mr. Chairman, in 1984, according to the California Energy Commission, California imported fully 33 percent of its oil from Alaska. That amounted to 238 million barrels in 1986 and by contrast, California only imported 37 million barrels from foreign sources. Alaska crude oil is clearly very important to a state that consumes nearly 600 million barrels of oil per year, with a transportation sector that is virtually 100 percent dependent on hydrocarbons.

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Tanker traffic from Alaska poses virtually no threat to the channel or the adjacent islands. Only three to five tankers per month carry Alaska crude through the Santa Barbara Channel, and most of these tankers are small crude carriers (approximately 188,000 tons). The larger crude tankers use the shipping fairways outside of the Channel Islands when delivering Alaska oil. The oil industry estimates that transportation costs for Alaska oil shipments would increase from \$1,500 to \$8,000 per trip if carriers were required to take the longer route to oil terminals. The apparent purpose of H.R. 172 is to reduce the chance that a tanker accident would affect the environment of the Santa Barbara Channel and the Channel Islands. All Alaska crude oil imported into California is required to be carried on U.S. flag tankers, measurably the safest, most inspected, and most heavily regulated tankers in the world. Accidents involving U.S. flag tankers are extremely rare. The U.S. Coast Guard has the responsibility for regulating these tankers and they have done an exceptional job in assuring accidents do not happen.

The Department is particularly concerned about the precedent the proscriptions in this proposal set for tanker traffic in the Santa Barbara Channel associated with offshore oil and gas development on the Federal Outer Continental Shelf (OCS). One of the most productive fields in the Santa Barbara Channel is the Santa Ynez Unit, with Exxon's Hondo Platform producing about 2.8 million barrels per year. This facility is unique because it utilizes an Offshore Storage and Treatment vessel to preprocess oil from the wells for subsequent shipment to refineries in the Gulf of Mexico. A tanker leaves the OS&T every five days, and must transit the shipping lanes of the Channel. There has been no spillage problem associated with this operation and it has no adverse effect on the resources of the Channel Islands. The Department is concerned that similar restrictions could be required for this type of tanker traffic and in other areas outside the Santa Barbara Channel. Under Coast Guard management responsibility, we favor flexibility for joint use by all users while meeting the need for safe access routes.

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Mr. Chairman, we stand ready to work with you, other Federal agencies, State and local governments, and the private sector to address marine safety and resource management issues.

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to any questions you may have.

U.S. Department
of Transportation
United States
Coast Guard



Commandant
United States Coast Guard

Washington, D.C. 20593-0001
Staff Symbol
Phone

PREPARED STATEMENT
OF
CAPTAIN PETER LAURIDSEN
DEPUTY CHIEF, OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION
BEFORE THE
HOUSE COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE SUBCOMMITTEE ON
COAST GUARD AND NAVIGATION

December 9, 1987

INTRODUCTION

GOOD MORNING MR. CHAIRMAN, I AM CAPTAIN PETER LAURIDSEN OF THE COAST GUARD'S OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION. I APPRECIATE THIS OPPORTUNITY TO ADDRESS YOU AND THE OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE ON H.R. 172, A BILL TO PROHIBIT VESSELS TRANSPORTING ALASKAN OIL FROM USING ROUTES THROUGH THE TERRITORIAL AND INTERNATIONAL WATERS NORTHWARD OF THE SANTA BARBARA CHANNEL ISLANDS. FIRST, I COMMEND CONGRESSMAN LAGOMARSINO ON HIS EFFORTS TO MAINTAIN AND IMPROVE THE VERY DELICATE BALANCE BETWEEN THE COMPETING INTERESTS OF OIL PRODUCTION, SHIPPING, FISHING, COASTAL INDUSTRIES, RECREATIONAL USE AND MARINE WILDLIFE PROTECTION. THE COAST GUARD WILL WORK WITH YOU TO FIND WAYS TO SATISFACTORILY ADDRESS THE IMPORTANT CONCERNS RAISED BY THESE VARIED INTERESTS.

COAST GUARD ANALYSIS ON H.R. 172

THE SPONSERS STATED INTENT OF THE BILL, H.R. 172, IS TO PROTECT THE SANTA BARBARA CHANNEL ISLANDS AND THE COAST OF CALIFORNIA FROM DAMAGE DUE TO A TANKER ACCIDENT. THE BILL WOULD IMPOSE RESTRAINTS ON ALASKAN CRUDE OIL TANKER TRAFFIC BUT WOULD IMPOSE NO RESTRICTIONS ON OTHER U.S. AND FOREIGN TANKER TRAFFIC, OR ANY OTHER TYPE OF VESSEL TRAFFIC DESIRING TO USE THE CHANNEL. HOWEVER, THIS WOULD CREATE A SERIOUS PRECEDENT FOR TANKERS UTILIZING THE "HONDO" OFFSHORE STORAGE AND TREATMENT FACILITY. IN VIEW OF THE ABSENCE, SO FAR, OF OIL SPILL INCIDENTS CAUSED BY ALASKAN OIL TANKER TRAFFIC IN SANTA BARBARA CHANNEL, OR OF ANY MAJOR MARINE CASUALTY IN THE INTERNATIONALLY RECOGNIZED SANTA BARBARA TRAFFIC SEPARATION SCHEME, THE COAST GUARD SEES NO REASON

TO REQUIRE U.S. FLAG VESSELS TO UNDERTAKE A LONGER VOYAGE WHEN TRANSPORTING ALASKAN OIL TO CALIFORNIA PORTS.

THE COAST GUARD STRONGLY FEELS THAT THE LEVEL OF RISK OF OIL POLLUTION TO THE CHANNEL ISLANDS AND THE COAST OF CALIFORNIA FROM TANKERS CARRYING ALASKAN OIL IS QUITE LOW AND CAN BE SUCCESSFULLY REDUCED BY WORKING THROUGH THE INTERNATIONAL MARITIME ORGANIZATION TO IMPROVE TRAINING OF SEAMEN, INCREASE DESIGN SAFETY IN SHIPS AND IMPROVE VESSEL SURVIVABILITY IN THE EVENT OF A CASUALTY AND ESTABLISHING SAFE ACCESS ROUTES FOR THE UNEVENTFUL MOVEMENT OF ALL TYPES VESSEL TRAFFIC. THE DEPARTMENT OF INTERIOR ADVISES US THAT THERE ALSO IS SUBSTANTIAL OIL SPILL CLEAN UP CAPACITY IN THE SANTA BARBARA CHANNEL THROUGH THE CLEAN SEAS ORGANIZATION AND OTHER CLEAN UP RESPONSE UNITS. THE COAST GUARD WILL CONTINUE TO AGGRESSIVELY PURSUE THE GENERAL ADOPTION OF THE HIGHEST PRACTICABLE STANDARDS IN RESPECT OF MATTERS CONCERNING MARITIME SAFETY AND EFFICIENCY OF NAVIGATION, INCLUDING AIDS TO NAVIGATION, VESSEL MANNING FROM A SAFETY STANDPOINT, AND RULES FOR THE PREVENTION OF COLLISIONS. WE WILL ALSO WORK WITH YOU, CONGRESSMAN LAGOMARSINO, IN DEVELOPING OR CONSIDERING ALL REASONABLE ALTERNATIVES TO DECREASE RISKS TO THE ENVIRONMENTAL QUALITY OF UNITED STATES WATERS WHILE PROMOTING SAFE NAVIGATION AND EQUITABLE USE OF THE COASTAL WATERS OF THE UNITED STATES BY ALL COMPETING INTERESTS.

CHANNEL USE

THE SANTA BARBARA CHANNEL IS THE MOST COMMONLY USED WATERWAY FOR ENTRANCE TO AND DEPARTURE FROM THE PORT OF LOS ANGELES/LONG BEACH AND PORT HUENEME. THE CHANNEL AREA IS ALSO EXTENSIVELY USED BY AN ACTIVE FISHING INDUSTRY. AT PRESENT, THERE ARE FIVE MOBILE OFFSHORE DRILLING UNITS OPERATING IN THE SANTA BARBARA CHANNEL AREA AS WELL AS TWENTY OPERATING OIL PRODUCTION PLATFORMS, ONE PLATFORM UNDER CONSTRUCTION, ONE PLATFORM BUILT BUT NOT YET OPERATIONAL IN FEDERAL WATERS, AS WELL AS TWO ABANDONED PLATFORMS IN STATE WATERS. MOST OF THE PLATFORMS ARE LOCATED WEST AND SOUTH OF THE MAIN CHANNEL AREA. THE REST ARE LOCATED NEAR POINT ARGELLO. THE CHANNEL AREA IS ALSO USED BY A LARGE NUMBER OF RECREATIONAL BOATERS.

TRAFFIC

IN ANY GIVEN WEEK APPROXIMATELY ONE HUNDRED AND SEVENTY-FIVE OCEANGOING COMMERCIAL VESSELS CAN BE EXPECTED TO TRANSIT THE SANTA BARBARA CHANNEL. ON AVERAGE, ONE HUNDRED AND FORTY WILL BE FOREIGN FLAG VESSELS AND THIRTY-FIVE WILL BE U.S. FLAG SHIPS. OF THE THIRTY-FIVE U.S. FLAG SHIPS, APPROXIMATELY FIFTEEN WILL BE TANKSHIPS OF WHICH ONLY THREE OR FOUR WILL BE U.S. CRUDE CARRIERS IN THE ALASKAN OIL TRADE. THESE VESSELS WILL BE BOUND FOR LOS ANGELES/LONG BEACH. OTHER U.S. ALASKAN CRUDE CARRIERS ENROUTE THE PANAMA TRANSFER POINT AT PUERTO ARMUELLES GO OUTSIDE THE SANTA BARBARA CHANNEL ISLANDS.

TRAFFIC SEPARATION SCHEME

IN NOVEMBER 1973, THE INTERNATIONAL MARITIME ORGANIZATION (IMO) ADOPTED A RESOLUTION WHICH INCLUDED THE ESTABLISHMENT OF A TRAFFIC SEPARATION SCHEME IN INTERNATIONAL WATERS FOR THE PASSAGE BETWEEN THE SANTA BARBARA CHANNEL ISLANDS AND THE CALIFORNIA COAST AND EXTENDING FROM POINT CONCEPTION CALIFORNIA TO THE PORT OF LOS ANGELES/LONG BEACH. IMO IS A SPECIALIZED AGENCY OF THE UNITED NATIONS DEALING WITH MARITIME AFFAIRS IN AN EFFORT TO IMPROVE SAFETY AT SEA, AND PREVENT MARINE POLLUTION.

INTERNATIONAL ACCEPTANCE OF TRAFFIC SEPARATION SCHEMES IS NECESSARY TO ATTRACT BROAD COMPLIANCE AND UNIFORM ENFORCEMENT OF ROUTING MEASURES. IMO PROVIDES GUIDELINES AND RECOMMENDATIONS FOR THE DESIGN, ALTERATION, AND PROMULGATION OF ROUTING MEASURES. SUBSEQUENTLY, WITH THE AMENDMENT OF THE PORTS AND WATERWAYS SAFETY ACT (PWSA) IN 1978, CERTAIN AUTHORITY AND RESPONSIBILITIES PREVIOUSLY ASSUMED BY THE U.S. ARMY CORPS OF ENGINEERS WERE DELEGATED TO THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING. SPECIFICALLY, THE AMENDMENT AUTHORIZED THE SECRETARY OF TRANSPORTATION TO DESIGNATE NECESSARY SHIPPING SAFETY FAIRWAYS AND TRAFFIC SEPARATION SCHEMES IN ORDER TO PROVIDE SAFE ACCESS ROUTES FOR MOVEMENT OF VESSEL TRAFFIC PROCEEDING TO OR FROM PORTS OR PLACES SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

A TRAFFIC SEPARATION SCHEME (TSS) IS AN INTERNATIONALLY RECOGNIZED ROUTING MEASURE WHICH SEPARATES OPPOSING LANES OF VESSEL TRAFFIC TO ORGANIZE VESSEL TRAFFIC IN CONGESTED AREAS. A SHIPPING SAFETY FAIRWAY IS AN OFFSHORE AREA IN WHICH NO ARTIFICIAL ISLAND OR FIXED STRUCTURE, WHETHER TEMPORARY OR PERMANENT, IS PERMITTED.

THE AMENDMENT ALSO REQUIRED THE SECRETARY OF TRANSPORTATION TO UNDERTAKE A STUDY OF THE POTENTIAL TRAFFIC DENSITY AND THE NEED FOR SAFE ACCESS ROUTES FOR VESSELS IN ANY AREA FOR WHICH FAIRWAYS OR TRAFFIC SEPARATION SCHEMES ARE PROPOSED. THE STUDY WAS REQUIRED WITHIN SIX MONTHS AFTER THE ENACTMENT OF THE AMENDMENT AND FROM TIME TO TIME THEREAFTER AS REQUIRED. THE AMENDMENT WENT ON TO REQUIRE THE RESULTS OF ANY SUCH STUDIES TO BE PUBLISHED IN THE FEDERAL REGISTER.

TO MEET THE MANDATES OF THE AMENDMENT OF THE PWSA, THE COAST GUARD CONDUCTED A STUDY OF VESSEL TRAFFIC IN THE APPROACHES TO ALL MAJOR U.S. PORTS FROM 1979 THROUGH 1982. THE STUDY RESULTS OF THE AREA OF CONCERN TO THIS COMMITTEE FOCUSED ON THE COAST OF SOUTHERN CALIFORNIA FROM LOS ANGELES TO THE NORTHERN END OF THE SANTA BARBARA CHANNEL. THE STUDY RESULTS WERE PUBLISHED IN JUNE 1982 AND CONSIDERED THE MULTIPLE USE AND VARIED ACTIVITIES OFF THE COAST OF SOUTHERN CALIFORNIA, VESSEL TRAFFIC PATTERNS AND PROJECTIONS, AND THE MARINE ENVIRONMENT. THE STUDY RECOMMENDED A SHIFT OF A LANE IN THE WESTERN APPROACH TO LOS ANGELES/LONG BEACH

TSS; A SHIFT OF A LANE IN THE SANTA BARBARA CHANNEL TSS NORTH OF ANACAPA ISLAND; AND THE EXTENSION OF THE SANTA BARBARA CHANNEL TSS NORTH AND WEST THROUGH A PRECAUTIONARY AREA.

BOTH THE LOS ANGELES/LONG BEACH AND SANTA BARBARA CHANNEL TSS WERE ADOPTED BY THE IMO.

THE PROPOSED CHANGES TO THE SANTA BARBARA CHANNEL TSS WERE PRESENTED TO IMO FOR APPROVAL IN AUGUST 1983. IMO APPROVED THE LANE SHIFTS IN BOTH TSS'S BUT DID NOT APPROVE THE EXTENSION OF THE SANTA BARBARA CHANNEL TSS NORTH AND WEST. IMO CONSIDERED THE PROPOSED EXTENSION TOO FAR OFFSHORE AND NOT SUPPORTED BY ADEQUATE AIDS TO NAVIGATION.

TSS EXTENSION

SUBSEQUENT TO IMO REVIEW OF THE SANTA BARBARA CHANNEL TSS, THE COAST GUARD CONDUCTED ANOTHER STUDY OF THE APPROACHES TO SOUTHERN CALIFORNIA IN JULY 1984. IN THIS SECOND STUDY THE COAST GUARD RE-EXAMINED THE NEED FOR THE EXTENSION AND THE NEED FOR SHIPPING SAFETY FAIRWAYS ALONG THE SOUTHERN COAST OF CALIFORNIA. IN OCTOBER 1984, WHILE CONDUCTING THE SECOND STUDY, THE COAST GUARD SUBMITTED A SECOND PROPOSAL TO IMO FOR AN EXTENSION OF THE SANTA BARBARA CHANNEL TSS NORTH AND WEST THROUGH A PRECAUTIONARY AREA. IN THIS SUBMISSION, HOWEVER, THE U.S. PROPOSED TO PLACE A RADAR BEACON (RACON) AS AN ADDITIONAL AID TO NAVIGATION ON ANY ONE OF THREE PROPOSED FIXED OFFSHORE PLATFORMS. THIS TIME IMO APPROVED THE PARTIAL EXTENSION OF THE SANTA BARBARA CHANNEL TSS FOR 18

MILES NORTH AND WEST, CONTINGENT UPON THE PLACING OF A RACON ON PLATFORM "HARVEST." THEY DID NOT, HOWEVER, APPROVE THE REST OF THE EXTENSION OR THE PRECAUTIONARY AREA. IMO ADVISED THAT PERHAPS ONCE MORE OFFSHORE DEVELOPMENT OCCURRED, THE REST OF THE EXTENSION COULD BE IMPLEMENTED.

THE COAST GUARD COMPLETED THE SECOND STUDY IN DECEMBER 1985. THE STUDY RESULTS CONCURRED WITH THE EXTENSION OF THE SANTA BARBARA CHANNEL FROM POINT CONCEPTION TO POINT ARGUELLO AND RECOMMENDED THAT UNINTERRUPTED SHIPPING SAFETY FAIRWAYS BE ESTABLISHED ALONG THE SOUTHERN COAST OF CALIFORNIA.

CURRENTLY, THE COAST GUARD IS AT WORK ON A DRAFT NOTICE OF PROPOSED RULEMAKING AND REGULATORY PACKET TO IMPLEMENT THE EXTENSION AND ESTABLISH THE FAIRWAY. THIS TIME CONSUMING PROCESS IS MADE INCREASINGLY DIFFICULT BY THE COMPETING INTERESTS CONCERNED WITH OFFSHORE DEVELOPMENT, AND THE POSSIBILITY OF LOST REVENUE TO OIL PRODUCERS AND THE FEDERAL GOVERNMENT ARE FACTORED INTO THE RULEMAKING.

THE CONTRACT FOR THE RACON REQUIRED ON PLATFORM "HARVEST" HAS BEEN AWARDED BY THE COAST GUARD AND IS DUE FOR DELIVERY IN NOVEMBER 1988. IT IS ANTICIPATED THAT THE 18 MILE EXTENSION OF THE EXISTING SANTA BARBARA TSS WILL BE ESTABLISHED IN THE SPRING OF 1989.

MARINE CASUALTY ANALYSIS

IN RESPONSE TO A REQUEST FROM STAFF MEMBERS OF THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES IN OCTOBER OF THIS YEAR, THE COAST GUARD CONDUCTED AN ANALYSIS OF CASUALTIES OCCURRING IN THE OFFSHORE TRAFFIC SEPARATION SCHEME BETWEEN POINT CONCEPTION AND LOS ANGELES/LONG BEACH CALIFORNIA, INCLUDING THE SANTA BARBARA CHANNEL AREA FOR THE PERIOD 1981 THROUGH 1986. THE ANALYSIS INDICATED THAT THERE WERE NO MARINE CASUALTIES INVOLVING COMMERCIAL OCEAN GOING VESSELS NOR WERE THERE ANY SIGNIFICANT POLLUTION INCIDENTS INVOLVING VESSELS DURING THAT TIME PERIOD.

ATLANTIC WING/PAC BARONESS COLLISION

AT OR ABOUT 0625 AM ON SEPTEMBER 21, 1987, A COLLISION OCCURRED APPROXIMATELY FIFTEEN MILES WEST OF POINT CONCEPTION CALIFORNIA BETWEEN A PANAMANIAN FLAG CAR CARRIER, M/V ATLANTIC WING AND A LIBERIAN FLAG BULK ORE CARRIER, M/V PAC BARONESS. THE PAC BARONESS, AFTER RELEASING 40,000 GALLONS OF FUEL OIL INTO THE SEA, SUBSEQUENTLY SANK AS A RESULT OF THE COLLISION. THE SUNKEN VESSEL HAD A CARGO OF 23,000 TONS OF BULK COPPER CONCENTRATE CONTAINING 30% COPPER, 30% IRON, 30% SULFUR, AND 10% OXIDES. THE VESSEL ALSO HAD APPROXIMATELY 324,000 GALLONS OF BUNKER C" FUEL OIL REMAINING ON BOARD AS WELL AS 25,000 GALLONS OF DIESEL OIL. THE VESSEL AND ITS CONTENTS CAME TO REST IN 1600 FEET OF WATER APPROXIMATELY 10 MILES WEST OF POINT CONCEPTION. THE SINKING OF THE M/V PAC BARONESS AND SUBSEQUENT SPILL OF

40,000 GALLONS OF FUEL OIL OFF POINT CONCEPTION WAS THE LARGEST LOCAL POLLUTION INCIDENT SINCE THE LOSS OF 800,000 GALLONS (20,000 BARRELS) OF CRUDE OIL IN A 1969 PLATFORM MISHAP.

POLLUTION RESPONSE

THERE ARE A NUMBER OF SENSITIVE ENVIRONMENTAL RESOURCES IN THE AREA WHICH MERIT COMMENT. THE CHANNEL ISLANDS NATIONAL PARK AND MARINE SANCTUARY ARE HOME TO A LARGE NUMBER OF FISH, SHELLFISH, BIRDS, WATERFOWL AND MARINE MAMMALS. THE PUBLIC USE AREAS OF THE NATIONAL MARINE SANCTUARY HAVE A HIGH RECREATION VALUE AND ARE POPULAR FISHING AND DIVING AREAS.

THE PRIMARY RESPONSIBILITY FOR OIL SPILL CONTAINMENT, REMOVAL AND DISPOSAL BELONGS, IN ALL CASES, TO THE SPILLER. IN THOSE INSTANCES WHERE THE SPILLER IS UNKNOWN, UNWILLING OR INEFFECTIVE, THE CLEAN WATER ACT PROVIDES FOR FEDERAL INTERVENTION TO ACCOMPLISH CLEANUP. POLLUTION RESPONSE MANAGEMENT IN THIS AREA OF SOUTHERN CALIFORNIA IS CO-ORDINATED THROUGH THE [REGION IX] REGIONAL RESPONSE TEAM (RRT) AND EXECUTED BY THE PREDESIGNATED FEDERAL ON-SCENE COORDINATOR (OSC) FOR THE PORT OF LOS ANGELES/LONG BEACH. THE RRT IS CO-CHAIRLED BY THE COAST GUARD AND THE ENVIRONMENTAL PROTECTION AGENCY, AND HAS A MEMBERSHIP WHICH INCLUDES THE STATE OF CALIFORNIA, DEPARTMENTS OF COMMERCE AND INTERIOR, AND A NUMBER OF OTHER FEDERAL AGENCIES. THIS GROUP IS RESPONSIBLE BOTH FOR PRE-PLANNING FOR POLLUTION INCIDENTS AND FOR MAKING RESPECTIVE AGENCY RESOURCES AVAILABLE DURING AN INCIDENT.

THE REGION IX RRT WAS ACTIVE THROUGHOUT THE PAC BARONESS INCIDENT. THE OSC FOR THE SANTA BARBARA CHANNEL AREA IS THE COAST GUARD OFFICER ASSIGNED TO COMMAND THE MARINE SAFETY OFFICE IN LOS ANGELES/LONG BEACH. HE AND HIS STAFF MONITORED THE INITIAL EFFORTS OF THE OWNER OF THE PAC BARONESS, ASSUMED CONTROL OF CLEANUP ACTIVITIES DURING A PERIOD WHEN THE OWNER'S EFFORTS WERE CONSIDERED INEFFECTIVE, AND THEN RESUMED THE MONITORING FUNCTION AFTER THE OWNER DEVELOPED ADDITIONAL CAPABILITIES. THE OSC WORKED CLOSELY WITH THE INDUSTRY OIL SPILL COOPERATIVE, CLEAN SEAS, FOR THE DURATION OF THE PAC BARONESS INCIDENT. CLEAN SEAS IS THE PRINCIPAL OFFSHORE POLLUTION RESPONSE RESOURCE IN THE AREA, WITH SEVERAL WELL-EQUIPPED OFFSHORE SUPPLY VESSELS AS WELL AS A STANDBY CONTRACT WITH AN ARIZONA-BASED AERIAL DISPERSANT FIRM.

INTERNAL COAST GUARD POLLUTION RESPONSE RESOURCES INCLUDE THE CAPABILITIES OF THE ASSIGNED PERSONNEL, VESSELS AND AIRCRAFT WITHIN THE LOS ANGELES/LONG BEACH AND ELEVENTH DISTRICT COMMANDS, AS WELL AS THE ABILITY TO UTILIZE THE CLEAN WATER ACT'S POLLUTION FUND TO HIRE ANY OF THE COMMERCIAL CLEANUP COMPANIES UNDER CONTRACT TO THE DISTRICT. IN THE PAC BARONESS INCIDENT THE OSC ALSO CALLED IN REPRESENTATIVES FROM THE COAST GUARD'S PACIFIC STRIKE TEAM FROM HAMILTON AIR FORCE BASE, NEAR SAN FRANCISCO. MEMBERS OF THE STRIKE TEAM ARE HIGHLY TRAINED AND HEAVILY EQUIPPED POLLUTION SPECIALISTS WHO RESPOND TO SIGNIFICANT POLLUTION INCIDENTS AT THE REQUEST OF THE OSC.

ENVIRONMENTAL IMPACT OF M/V PAC BARONESS SINKING

ALTHOUGH THE VOLUME OF THE PAC BARONESS SPILL WAS APPROXIMATELY 40,000 GALLONS, NONE OF THE OIL AFFECTED ANY OF THE RESOURCES IN THE AREA. HIGH WINDS AND HEAVY SEAS BROKE DOWN AND NATURALLY DISPERSED MUCH OF THE OIL. THAT WHICH REMAINED WAS CARRIED AWAY FROM SENSITIVE RESOURCES BY FAVORABLE CURRENTS. REPORTS FROM MINERALS MANAGEMENT SERVICE OVERFLIGHTS INDICATE THAT VERY LITTLE OIL IS LEAKING FROM THE SUNKEN VESSEL. AT LAST REPORT IN MID-NOVEMBER, A CONTINUOUS SHEEN APPROXIMATELY ONE-HALF MILE LONG BY 80 YARDS WIDE WAS SIGHTED. THIS SHEEN THEN SCATTERS AND RAPIDLY DISSIPATES OVER AN ADDITIONAL ONE AND A HALF MILE LENGTH. THE EMISSION IS UNFEASIBLE FOR CLEAN UP AND IS NOT CONSIDERED A THREAT TO THE SURROUNDING ENVIRONMENT.

THE CARGO OF COPPER CONCENTRATE IS, FOR THE MOST PART, INTACT WITHIN THE HULL OF THE SUNKEN VESSEL. COPPER, UNLIKE SOME MINERALS, IS NOT PASSED UP THE FOOD CHAIN. IT IS PROCESSED BY INVERTEBRATES (SEDIMENT WORMS) BUT IS NOT PASSED UP TO VERTEBRATES. THE ENVIRONMENTAL IMPACT OF THE COPPER SULFATE IS THEREFORE NOT CONSIDERED SIGNIFICANT.

JURISDICTION

THE VESSELS COLLIDED IN INTERNATIONAL WATER TEN MILES DUE WEST OF THE WESTERNMOST END OF THE SANTA BARBARA CHANNEL TRAFFIC

SEPARATION SCHEME, WELL OUTSIDE THE AREA WHERE FEDERAL LAWS OR REGULATIONS ASSERT TO OPERATIONAL CONTROL OVER FOREIGN FLAG VESSELS. IN THE INTEREST OF LEARNING FROM THE INCIDENT ON SEPTEMBER 28, 1987, THE COMMANDANT OF THE COAST GUARD DIRECTED THE CONVENING OF A BOARD OF INQUIRY UNDER THE PORTS AND WATERWAY SAFETY ACT (33 USC 1221 ET SEQ.) TO INQUIRE INTO ALL ASPECTS OF THE CASUALTY AND HOW IT MIGHT AFFECT SAFETY OR ENVIRONMENTAL QUALITY OF THE NAVIGABLE WATERS OF THE UNITED STATES. THE BOARD OF INQUIRY COMPLETED TAKING TESTIMONY ON NOVEMBER 24, 1987 AND IS PRESENTLY DELIBERATING ITS FINDINGS. A FINAL REPORT IS EXPECTED TO BE COMPLETED IN THREE MONTHS. A COPY OF THE COMPLETED REPORT WILL BE DELIVERED TO THE SUBCOMMITTEE UPON ITS AVAILABILITY.

CONCLUSION

THAT CONCLUDES MY WRITTEN STATEMENT. THANK YOU FOR YOUR CONSIDERATION. I WILL TRY TO ANSWER ANY QUESTIONS THE SUBCOMMITTEE MAY HAVE.

STATEMENT OF

PETER L. TWEEDT
DIRECTOR, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES

DECEMBER 9, 1987

Mr. Chairman and Members of the Subcommittee:

I am Peter Tweedt, Director of the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration. I am accompanied by Dr. Dail Brown, who was deeply involved in our recent response to the shipping accident in the Santa Barbara Channel and was instrumental in organizing several important studies of that incident. I welcome the opportunity to testify on H.R. 172, a bill to prohibit vessels transporting Alaskan oil from transiting the territorial and international waters northward of the Santa Barbara Channel Islands.

My office administers the National Marine Sanctuary Program and we are directly responsible for the Channel Island National Marine Sanctuary.

In 1980, the Channel Islands National Marine Sanctuary was designated in accordance with Title III of the Marine Protection, Research, and Sanctuaries Act. The Sanctuary extends six nautical miles seaward from the islands of San Miguel, Santa Rosa, Santa

Cruz, Anacapa, and Santa Barbara and encompasses over 1200 square nautical miles of near shore and offshore waters.

The Channel Islands area is an area of very important multiple marine uses. In fact, Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, identifies as a purpose of the Act "to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities". Oil and gas development is a critical part of our natural energy resource. Coastal maritime transport is essential to the economy and culture of California and the country. The Sanctuary supports several important commercial and recreational fisheries and is a feeding ground for six species of seals and sea lions -- one of the largest and most diverse populations of pinnipeds in the world.

The most recent experience with use conflict was the sinking of the PAC BARONESS off Point Conception nearly two months ago. Although the PAC BARONESS was not an oil tanker, a significant amount of fuel oil was spilled from the freighter, and the prevailing winds and currents took the oil directly toward the pinniped rookeries on San Miguel Island. Fuel oil is a relatively light petroleum product compared to crude oil, and the slick broke up and dissipated before it reached San Miguel.

The Coast Guard and NOAA's Hazardous Material Response Team were on site. With the strong encouragement of Congressman

Lagomarsino and others in the California delegation, a joint field project to survey conditions about the wreck of the PAC BARONESS was mounted by scientists at the University of California at Santa Barbara and others with support from the Minerals Management Service, the National Science Foundation, the Environmental Protection Agency, and the Office of Ocean and Coastal Resource Management in NOAA.

Fortunately, in this case it does not appear that there was immediate damage to the Sanctuary. However, the PAC BARONESS also had a cargo of copper oxide and sulfide ore that could be toxic to marine animals. We will be keeping a very close watch on this situation. Moreover, in 1984, the MV WELLWOOD ran aground on Molasses Reef in the Key Largo National Marine Sanctuary off the Florida Keys. There was extensive, long-term damage to large areas of slow growing coral formations in the Key Largo Sanctuary. The Justice Department filed suit alleging damage to natural resources and also sought civil penalties and recovery of U.S. Coast Guard salvage costs. An out-of-court settlement was reached early this year in which the United States will receive \$6,275,000 over the next 15 years. Boaters and ship operators should now be aware of the damage that can be done to fragile marine resources when marine sanctuary regulations are violated. This settlement should clearly demonstrate that this Administration will take whatever legal steps are necessary to ensure that these nationally significant marine areas are protected.

We have reviewed H.R. 172. The purpose of the bill, though unstated, is apparently to reduce the risk of oil and other contaminants from accidentally spilling in the Santa Barbara Channel. While NOAA supports efforts that lessen the threat of pollution incidents to the Channel and specifically the Channel Islands National Marine Sanctuary, we do not believe the proposed legislation is the best approach to increasing protection to the living marine resources of the area.

H.R. 172 would restrict only the TAPS tankers arriving from Alaska and my understanding is that many of these ships already transit outside the Channel. The net effect would be to exclude only a small number of U.S. flag ships (which by the way are probably among the safest) and thereby discriminating against American carriers of Alaskan crude oil.

The bill would not restrict the transport of foreign flag vessels or domestic vessels carrying non-Alaskan oil. The great majority of the tanker accidents that occur in our coastal waters involve foreign flag vessels, since they carry the overwhelming majority of our imports. We are working diligently to improve safety standards of all vessels through the International Maritime Organization (IMO). Considerable progress has been made, and we have every expectation that further improvements in vessel safety can be achieved through the IMO. Our challenge is to preserve the ecological resources of the Sanctuary while at the same time preserving the very important multiple use concept of this area.

This concludes my prepared testimony. I will be happy to answer any questions the Subcommittee may have.

TESTIMONY OF
ERNEST J. CORRADO,
PRESIDENT,
AMERICAN INSTITUTE OF MERCHANT SHIPPING

BEFORE THE

COAST GUARD AND NAVIGATION SUBCOMMITTEE
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U. S. HOUSE OF REPRESENTATIVES

DECEMBER 9, 1987

Good morning, Mr. Chairman and members of the committee. I am Ernest J. Corrado, President, American Institute of Merchant Shipping, also known as AIMS. AIMS is a national trade association which represents over eight million deadweight tons of U.S.-flag shipping. We are pleased to testify today on behalf of U.S.-flag vessels with respect to H.R. 172.

In reviewing this bill, we find that we must be in strong opposition. The reasons for our position are as follows.

First, we cannot agree that control of vessels by denying them the right to free passage in international waters is an appropriate response to the concerns giving rise to this bill. This bill would establish the precedent of a nation denying the freedom of navigation in international waters. Such a precedent should not be supported, whether the restrictions in international waters are placed on the nation's flag vessels or on all vessels. U.S. ships must be given the same freedom of navigation which is accorded to all ships of whatever flag. The right to free passage in international waters can be traced to the beginnings of maritime commerce. The history of maritime commerce is replete with instances in which nations desire to declare international waters as their own. History has shown that such a policy has not been acceptable and should not be resorted to by modern maritime nations. We are aware that this bill is addressed to U.S. ships. However, we firmly believe that what cannot be applied to all ships should not be

discriminatorily applied to U.S. vessels. In its territorial waters, any nation has the authority to apply restrictions which it feels appropriate; however, international conventions, such as the Safety of Life at Sea Convention, the Intervention on the High Seas in Case of Oil Pollution Casualties Convention, and the Standards of Training, Certification and Watchkeeping Convention, exist to standardize national regulations and prevent proliferation of varying requirements.

A second reason for our opposition is the nature of vessels under U.S.-flag. We believe that our U.S.-flag vessels are among the safest in the world; built to exacting requirements, fully equipped with modern safety equipment, and manned by highly trained personnel who have passed difficult licensing and certification requirements. To restrict the operations of what we consider to be some of the best run ships in the world is simply the wrong way to proceed. No additional safety will be gained if H.R. 172 is enacted.

Third, this bill not only discriminates against some of the safest vessels in the world, it unfairly discriminates against a particular class of vessels, carrying a particular cargo from a particular port or state. We believe that this discriminatory sanction raises numerous Constitutional questions with respect to H.R. 172.

Having made these points, Mr. Chairman, the questions should be asked, "Are there alternatives to H.R. 172, and are there existing proposals under which they can be accomplished?" In answer, we believe we should look at the legitimate interests and concerns of those involved including those with environmental concerns which, we point out, is not limited to environmental groups, but also includes those interested in exploring for and finding oil and minerals, and the water carrier interests who use the waterways. We will speak on behalf of these carriers while recognizing the concerns of the environment and the exploration interests. The regimes exist under international law and in our domestic law and practice to keep the potential for incidents, which cause loss of life or environmental damage, to the lowest level possible. We use the word possible as it is unrealistic to say we can reach a risk-free scenario. The recent collision off the California coast illustrates our point. I would like to note that this collision did not involve tankers, but was between a car carrier and a dry bulk carrier. On the waters, the risk of collision will always exist. We cannot do away with it, although we can and should lessen the probability whenever we can pragmatically do so.

We would like to discuss what has been done, particularly with respect to the waters in question, and what might be done to further lessen potential risks. With respect to the Santa Barbara Channel, we believe that management of maritime traffic provides an essential ingredient. There now exists within the

channel a Traffic Separation Scheme or TSS. A TSS is an international development which, once approved, ends up on the charts of all countries. The approval process takes place at the International Maritime Organization (IMO) which ensures that questions of necessity for the scheme and ability of vessels to navigate within the scheme are answered affirmatively. This was done for the Santa Barbara Channel and the TSS has existed there since 1973. As far back as the records are kept, five years, there have been no incidents in the use of this TSS system. Our AIMS' corporate memory tells us there have been no incidents back to the creation of the scheme. The idea of TSS was developed to lessen the potential for head-to-head collisions by creating port-to-port meeting situations and making crossing situations as close to 90 degrees as possible which lessens chances of ambiguity. Rule ten of the International Rules of the Road requires specific conduct on behalf of those using the scheme. The application of the International Rules of the Road originates in the very beginning of maritime commerce and are probably the most uniformly applied regulations existing internationally.

The Coast Guard has received the approval of IMO to extend the present TSS some eighteen miles from Point Conception to Point Arguello. This will be accomplished when a racon is placed on the platform near the proposed extension allowing ships to adequately fix their position. AIMS supported the U.S. submission to the IMO and believes this extension will be a step toward better traffic control in an area of ongoing offshore

development. There are adequate navigational aids for the existing TSS and the extension in the system is predicated on the placement of a radar beacon, as approved by IMO, so ships can position fix in the extension. Therefore, no additional aids to navigation are required.

In addition to the TSS, we have available in this country the ability to establish shipping safety fairways. A fairway is an area where no offshore structures may be placed. Its purpose is to allow ships to navigate in an unrestricted area. There are hundreds of miles of these fairways in the Gulf of Mexico which have proven to be very beneficial in lessening risks and balancing the various interests involved. The Coast Guard has proposed shipping safety fairways for the lanes of the Santa Barbara TSS, as well as northward to the San Francisco TSS. We support this activity as a means of better ensuring safe navigation. With respect to fairways, there was a move initiated by one government at the IMO two years ago to require additional buffer zones around offshore structures due to a number of what were classified as close calls. The U.S. studied the record in this country with respect to our territorial and contiguous waters and found no such reports. There was a similar lack of reports from other maritime countries. We believe the existence of fairways explains much of this lack. The IMO concluded that a lack of communications between offshore rigs and ships should be addressed and have prepared a resolution which is being processed through the IMO approval process.

With respect to TSS and shipping safety fairways, we feel that the Coast Guard, under the terms of the Port and Waterways Safety Act, 33 USC 1223, has the authority to control the placement of both. Therefore, additional legislation is not needed.

We previously mentioned state-of-the-art equipment aboard our ships and the ability it provides to navigate safely. Among the equipment aboard our vessels are two radar sets which provide redundancy in the event one breaks down. We also have automatic radar plotting aids which electronically track targets for the bridge watch officer and provide him with the ability to predict close quarter situations and therefore avoid them. Additionally, in our country, the deck officers must undergo refresher training in the use of this equipment every five years. Our vessels are also equipped with much of the communications equipment which the world is just recognizing as a necessity in the safety of ship operations. This equipment is commonly referred to as global maritime distress and safety, or GMDSS, equipment. It is a set of redundant equipment which can be operated by the bridge watch officer on a twenty-four hour basis and can be maintained by shore personnel. We equip on a voluntary basis as the U.S. Communications Act requires radiotelegraphy. The International Radio Regulations have been amended to accommodate this equipment and the Safety of Life at Sea Convention will be amended in 1988.

It is time we considered amending our domestic legislation to require this equipment and remove the requirement for the technologically outdated equipment.

Instead of spending any more time on H.R. 172, the Coast Guard Subcommittee might consider amending our FCC laws to repeal the use of outdated radiotelegraphy and mandate the modern GMDSS equipment. Mr. Chairman, proper equipment does not ensure proper operation, that is a product of the proper training and skill of those operating ships. We can vouch for U.S. officers and unlicensed personnel, although we are not able to so vouch for the personnel on all ships calling at our ports. How many times do we see the human factor involved in incidents? Under the leadership of the U.S., the IMO undertook in the early 1970's an effort which resulted in 1978 in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. This Convention effectively brings the world's standards for licensing on a par with the U.S., and in a few instances even exceeds ours. This was certainly a major safety development in the maritime world. While our nation had a prominent voice in that result, we have not ratified the convention. As we have in other forums, AIMS strongly urges U.S. ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. Our reason for support is not, and the action of ratification would not be, altruistically based. Article X of the convention, titled "Control," allows nations to inspect foreign vessels for

compliance and to detain a ship in the event of non-compliance. We believe this is a strong tool available to our nation and I would like to quote two of the control procedures in the convention regulations allowing port state action: "The ship has been involved in a collision, grounding or stranding" or "the ship has been maneuvered in an erratic or unsafe manner or navigational course markers or traffic separation schemes have not been followed." Ratification of this convention would allow the U.S. to have a greater voice in dealing with the substandard human element which may be navigating off our shores.

In conclusion, we would like to stipulate the actions which are presently in progress and what can be done to best ensure safe navigation in the Santa Barbara Channel. The actions not directly dealing with the channel would have the benefit of application to all our waters.

- We support the extension of the present TSS from Point Conception to Point Arguello as it provides the basis for increased control of traffic.

- We support the overlap of the traffic lanes with a shipping safety fairway as it will allow clear lanes for navigation while accommodating the interests of those involved in the exploration for oil and minerals.

- The U.S. Communications Act should be amended to require modern communications equipment in place of the present radiotelegraphy requirement written in the 1930's.

- Lastly, the U.S. should ratify and vigorously enforce the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

In closing, Mr. Chairman, I would like to make it crystal clear that we are opposed to H.R. 172, as a bad piece of legislation establishing a world wide harmful precedent. In place of this deleterious measure, we have suggested a number of positive steps which would ensure even greater safe navigation in the Santa Barbara Channel and similar waterways.

Thank you for this opportunity to testify and we are available to answer questions or provide further information.



THE OCEANIC SOCIETY

EDUCATION • RESEARCH • CONSERVATION

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December 9, 1987

**Statement of John G. Catena
On Behalf of the Oceanic Society
Before the
House Committee on Merchant Marine and Fisheries
Subcommittee on Coast Guard and Navigation
Concerning
A Bill (H.R.172) to prohibit vessels transporting Alaskan oil
from using routes through the territorial and international
waters northward of the Santa Barbara Channel Islands**

I am John G. Catena of the Oceanic Society, a 40,000 member non-profit organization devoted to the protection, conservation and wise use of marine and coastal resources. In all of our activities, the Society is dedicated to protecting the oceans for the people and wildlife that depend upon them for life, livelihood and enjoyment. I appreciate your Subcommittee's invitation to present testimony today on H.R. 172 regarding vessel traffic safety and the problem of multiple use in the Santa Barbara Channel.

The Oceanic Society has long been concerned with the marine environmental consequences associated with uses of our oceans and coastal areas. During nearly two decades since its founding, we have conducted a wide range of scientific and technical research, education and public policy programs in our continuing effort to focus the attention of decision makers and resource managers on the need for information-based marine policies.

THE OCEANIC SOCIETY IS A NON-PROFIT 501 (C)(3) ORGANIZATION
CONTRIBUTIONS ARE TAX DEDUCTIBLE

The Oceanic Society has had a long standing interest in the safety of navigation and the related environmental effects of vessel operations and vessel accidents. We have testified numerous times before this and other Subcommittees on such issues as the Port and Tanker Safety Act, vessel source pollution and most recently on the establishment of a comprehensive oil spill liability and compensation regime. We are also the only environmental community private sector advisor to the U.S. delegation on the International Maritime Organisation's (IMO) Marine Environment Protection Committee.

The ocean, though vast and covering over 70 percent of the earth, is a vulnerable and complex environment. Numerous unique and important species live in or depend upon the oceans. Too often, however, our ocean and coastal resources are mismanaged due to narrow, short range special interests, with inadequate scientific understanding of the consequences. As a recent Office of Technology Assessment report¹ has so vividly pointed out, we have seriously damaged our coastal waters, where most marine life begins its life cycle. Much less is known about long-term threats to the deeper oceans, but there are strong signs of damage there, too.

¹ U.S. Congress, Office of Technology Assessment, *Wastes in Marine Environments*, OTA-O-334 (Washington, DC: U.S. Government Printing Office, April 1987).

The Need for Preventative Measures

Vessel collisions continue to occur, resulting in proper and environmental damage as well as personal injury and death. The amount of oil released in accidental tanker spills has declined since the latter half of the 1970's, largely due to better regulation and the decline in international oil transport. But accidents and spills continue, and the potential for a catastrophic spill remains.

While the potential for a catastrophic spill along our coast, comparable to that which occurred when the Amoco Cadiz broke apart off the Brittany coast of France in 1978, is not high, the effects of such a disaster on our coastal ecosystems could be devastating. Some of our nation's most productive coastal ecosystems, with adjacent, crowded population centers, such as the Santa Barbara Channel area, also serve as congested transport routes for oil tankers and other vessels.

The collision this fall between the Liberian flag freighter Pac Baroness and the Panamanian flag freighter Atlantic Wing off the coast of Point Conception, CA sends a strong message that vessel traffic control, in highly congested areas, is necessary. Although the vessels were not oil tankers, the Pac Baroness did spill a considerable amount of bunker fuel and potentially toxic copper, sulfur and lead ore, the long-term effects of which are still unclear. Had these two vessels been oil laden tankers, the effects could have been disastrous. We cannot afford to wait for such an accident to occur before taking action.

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While providing an efficient route for commercial navigation has always been of paramount importance to the international shipping community and a priority of the U.S. government, we also have a legal and moral responsibility to preserve and protect our ocean and coastal resources. Although oil spill clean up technology is relatively well developed, it is not always effective. In addition we still lack an adequate system for compensating victims and restoring natural resources from damages caused by such events. As we continue to improve our oil spill response capabilities we must recognize that simply reacting to a spill "after the fact" is not enough. Measures should be taken to prevent accidents wherever feasible.

Multiple Uses and Interests in the Santa Barbara Channel

The waters and coastal zone which lie between the Channel Islands and the southern coast of California, known as the Santa Barbara Channel, support one of the most extraordinarily varied set of resources and activities of any offshore region of the United States.² The unique oceanographic, meteorological, and biological processes in the region combine to support numerous marine mammals, seabirds and important fishery resources. It was the recognition of the ecological importance

² See, e.g., U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Final Environmental Impact Statement on the Proposed Channel Islands Marine Sanctuary, (NOAA: Washington, D.C., 1980), for an in depth description of the resources and uses of the Santa Barbara Channel. [Hereinafter cited as FEIS].

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of this region that led the National Oceanic and Atmospheric Administration (NOAA) in 1980 to designate the waters surrounding the Channel Islands as a National Marine Sanctuary pursuant to the Marine Protection Research and Sanctuaries Act.³

The marine mammal population in this region is the most varied and significant, in terms of numbers, in the United States. Twenty seven species of whales and dolphins, six species of seals and sea lions, and the sea otter inhabit this area at one time or another during their life cycle. The island of San Miguel is particularly significant in that it is the only location in the U.S. and "one of the very few places in the world where breeding populations of five species of pinnepeds [seals and sea lions] can be found"⁴ in the same location.

The problems of coastal pollution and development have severely affected the breeding locations of the various pinnepeds. The seals and sea lions are now largely limited to the offshore Channel Islands and any disturbance of these areas from a large oil spill could be disastrous for the pinneped population as this area represents the last breeding refuge in southern California.

The population of marine birds in the Santa Barbara Channel region is one of the most varied and numerous in the United States with over 60 species inhabiting the area to

³ 16 U.S.C. 1431-1434.

⁴ FEIS, supra, at E-11.

varying degrees as nesting and feeding habitat, for wintering, and/or as migratory staging areas.⁵ As with other marine birds, the endangered Brown Pelican is critically dependent on the abundant fish resources of the waters surrounding the Channel Islands.

Commercially, recreationally and ecologically important fishery resources are also in abundance in this region and support locally important economic activities. Kelp, abalone, jack mackerel and squid are just a few examples of the more important commercial fisheries in the region.

The Santa Barbara Channel is also a very important oil and gas producing region. The first offshore oil well was placed in the nearshore waters off Santa Barbara in 1896 while development in federal outer continental shelf (OCS) lands began in 1955. It has been estimated that the Santa Barbara region contains an estimated 1.5 billion barrels of oil and 1.7 trillion cubic feet of gas.⁶

There are currently over 80 active leases and approximately 1, 16 oil platforms producing oil and three more that are either approved or under construction in the OCS of the Santa Barbara Channel area.⁷ There are also numerous platforms within state waters. Current offshore production in state

⁵ FEIS, supra, at E-29

⁶ FEIS, supra, at E-61.

⁷ California Coastal Commission, Oil and Gas Activities Affecting California's Coastal Zone: A Summary Report. June 1987. [Hereinafter referred to as CCC Report].

waters and the federal OCS in the Santa Barbara Channel is 140,000 barrels per day, which represents nearly a doubling in only two years.⁸

The Department of the Interior's Five-year Offshore Oil and Gas Leasing Program for Mid-1987 to Mid-1992 calls for two more lease sales in the area.⁹ Lease sale 95 is scheduled for sale in September 1989 and lease sale 138 is scheduled in June 1992. There are also several other sales scheduled in the northern and central California OCS planning areas in that plan.

Except for the prohibition of new oil exploitation within the Channel Islands Marine Sanctuary and a subarea deferral within the Santa Barbara Federal Ecological Preserve and Buffer Zone, the entire Santa Barbara Channel will be open for oil exploitation. Given the promising prospects for the discovery of commercially recoverable deposits of oil and gas in this region, it appears that a significant increase in the number of oil rigs and associated vessel traffic is likely.

This region is also heavily used for military purposes. The U.S. Navy maintains the Pacific Missile Range south and southwest of the Channel Islands. These exercises require large areas to be free of any civilian activities, thus rendering the area off-limits to other users.

⁸ CCC Report, supra, at 44.

⁹ CCC Report, supra, at 5.

The Santa Barbara Channel serves as a major ship channel serving both coastwise and international trade. An internationally sanctioned Traffic Separation Scheme (TSS), established by the U.S. Coast Guard runs the length of the Channel and is used by commercial vessels travelling between northern Pacific ports (e.g. Alaska, San Francisco, and Seattle) and ports of southern California, as well as by traffic using the Panama Canal or heading to and from the Far East.

Merchant vessel traffic through the Santa Barbara Channel TSS is on the order of 25 vessels per day. A number of products are transported through the TSS while the most common appears to be petroleum products.¹⁰ Some suggest that vessel traffic could increase to as much as 40 to 45 vessels per day within the next 15 years.¹¹ These types of projections alone, raise the question: what is the threshold level at which the existing TSS is no longer the most effective means for protecting the safety of life at sea and the marine environment?

The Santa Barbara Channel's rich and diverse resource base, and its location in relation to major ports, make this a region of national significance. It is because of the unique

¹⁰ FEIS, supra, at E-84.

¹¹ Schuyler, Arent. Personal Communication. December 2, 1987. See also, U.S. Department of Commerce, National Maritime Research Center, Santa Barbara Channel Risk Management Program. A Report prepared for the California Coastal Commission. (Maritime Administration: 1981) [Hereinafter cited as Marad Report].

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qualities of the area, however, that the uses of the Santa Barbara Channel are expanding and expected to increase in the near future. In designating the waters offshore the Channel Islands a National Marine Sanctuary, NOAA stated that:

as an area of exceptional value subject to mounting development and use pressures, the waters offshore of San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands deserve special recognition, protection, and management as a marine sanctuary.¹²

It is in this context that we must be cognizant of the problems that may arise due to increasing use in the Santa Barbara Channel.

Recommendations

It is apparent from the above considerations that multiple use conflicts in the Santa Barbara Channel can only increase in the future. One constructive and important way of alleviating such conflicts would be more effective monitoring and control over vessel traffic movement within the traffic separation scheme.

H.R. 172 would prohibit tankers carrying Alaskan crude or refined oil from transiting the Santa Barbara Channel. Rep. Lagonarsino's proposal is important in that it forces us to examine the problems in the area, to make viable recommendations, and to ensure that the most effective measures are in place. The Oceanic Society is in full agreement with Rep. Lagonarsino's concern over the potential effects of oil tanker

¹² FEIS, supra, at D-1.

accidents in this region, and we believe that his proposal is one important option which needs to be considered. However, a number of other options need to be considered as well.

I. Ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers

The lack of manning and crew requirements has often been cited as an issue that must be resolved in order to improve navigational safety. Human error is often the cause of vessel accidents. In 1978, the IMO adopted the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW). This Convention provides the basic guidelines and principles to be observed in training, certification and operational methods of watchkeeping for seafarers. Although the treaty entered into force in April 1984, the U.S. has not yet ratified that Convention. While we regard these standards to be what should be minimally required and have some concerns about the Convention, in general, we would urge the U.S. Senate to take quick action and ratify the STCW.¹³

A mechanism for monitoring foreign flag manning and license requirements is also necessary. We would urge the U.S. Coast Guard to develop such a mechanism and propose it for discussion at the next appropriate meeting of the IMO's Subcommittee on Safety of Navigation.

¹³ For the concerns of the Oceanic Society on this Convention, see, Statement of Clifton E. Curtis before the U.S. House of Representatives, Committee on Government Operations, Oil Tanker Pollution Hearings, 95th Congress 2nd Session, July 18 and 20, 1978, pp. 299-318.

II. Implementation of a Safety Fareway

Because of the good prospects for finding new deposits of oil and gas resources in the OCS region offshore California, it is expected that the number of rigs and associated vessel traffic will increase in and adjacent to the Santa Barbara Channel. The Oceanic Society believes that the implementation of a Safety Fareway from Long Beach to San Francisco, which would prohibit the placement of any structures within the Fareway, would be one effective measure for preventing accidental collisions with offshore oil platforms. While the Memorandum of Understanding between the Coast Guard and the Army Corps of Engineers has been effective in prohibiting offshore oil platforms from being placed within the traffic separation zone, there is no mandatory system for prohibiting such structures.

We understand that the Coast Guard shortly will publish an advance notice of proposed rulemaking proposing such a proscriptive system. We would urge the Subcommittee to give its full support for such a measure and also urge the Coast Guard to move on this proposal expeditiously.

III. Extension of the Traffic Separation Scheme

The establishment of traffic separation schemes requires the approval of the IMO. The current TSS extends westward to Pt. Conception and will be extended to Pt. Arguello, 18 miles further northwest, by late 1988 as a result of IMO approval. In order to complement the safety fareway as suggested above, we urge the Coast Guard to initiate the process for the

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establishment of a TSS from Pt. Arguello to the TSS located at the entrance of San Francisco Bay. We would also urge the Coast Guard to move such a proposal expeditiously through the IMO's Subcommittee on Safety of Navigation.

A prerequisite to the implementation of a TSS requires the establishment of sufficient aids to navigation to provide vessel position fixing. Currently, sufficient navigational aids are lacking north of Point Arguello. The establishment of a safety fairway northward of Pt. Arguello will provide a right of way for vessel traffic until such time as a navigational aid (such as an offshore oil platform) is constructed and a new TSS is approved by IMO. We would, however, urge the Coast Guard to consider other navigational aids as well, such as unmanned Large Navigational Buoy's.

IV. Development of Vessel Reporting System

Despite the reported high compliance rate with the current TSS in the Santa Barbara Channel, adequate monitoring of vessel traffic movements currently does not exist for the Santa Barbara Channel. Although the recent vessel collision between the Pac Baroness and the Atlantic Wing did not occur within the TSS, had the vessels been in contact with a central reporting unit prior to the collision, perhaps the accident could have been prevented.

The recent collision and the expected increase in traffic through the Santa Barbara Channel calls for a vessel reporting system. A voluntary reporting system has been used with great success in the approaches to San Francisco Bay. Whether

voluntary or mandatory such a system will require IMO approval and we would again urge the Coast Guard to initiate the required process in IMO.

V. Study of Appropriate Vessel Control Systems

Several studies have been conducted on vessel traffic movements in the Santa Barbara Channel in the past. For example, one study concentrated on the risks of siting offshore oil platforms within the Santa Barbara Channel, and another monitored vessel traffic flow through one portion of the TSS for a several month period.¹⁴

As part of your efforts to achieve the most effective complement of vessel traffic systems, the Oceanic Society recommends that the Subcommittee request the Congress' Office of Technology Assessment to undertake a short-term study which would examine at least three points:¹⁵

- o the types of vessel traffic services which would be appropriate for the Santa Barbara Channel;
- o the necessary aids to navigation which are required for safe transit from Long Beach/Los Angeles to San Francisco;
- o the types of navigational electronic vessel fixing position systems which are currently available and which the U.S. should urge for adoption of internationally.

¹⁴ See, e.g. Marad Report, supra, and California Maritime Academy, Santa Barbara Channel Vessel Study. The report was prepared for Union Oil and Gas Division, Union Oil Company of California, March 1985.

¹⁵ The National Research Council's Marine Board also is well equipped to address issues such as these, and a decision to call upon either OTA or the Marine Board is dependent upon variables (such as staff availability and funding) that are best determined by the Subcommittee.

VI. Complementary Measures

While preventative measures are the most effective way to prevent accidents, collisions and oil spills will undoubtedly occur. A responsible system of liability and compensation for victims of oil spills is necessary. This Subcommittee has examined the issue at length, and the Oceanic Society urges the Congress to enact expeditiously legislation that combines the best features of H.R. 1632 and S. 2799 (which was introduced in the Senate in the 99th Congress).¹⁶ Similarly, while not having examined the bill closely, we support, in principle, the bill (H.R. 3640) introduced by Rep. Studds on liability and compensation for damages to the natural resources of national marine sanctuaries. This bill would ensure that the "polluter pays" and that resulting fines would go toward repairing any damages.

Conclusion

In closing Mr. Chairman, the ecological importance of the Santa Barbara Channel area cannot be overemphasized. This fact must be the overriding concern in making any decision on the use of the Santa Barbara Channel. The Oceanic Society greatly appreciates Rep. Lagomarsino's role in bringing this issue before the Subcommittee and we look forward to working with the Subcommittee on this matter in the future.

16. See, e.g., Statement Clifton E. Curtis, before the House Committee on Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation, March 31, 1987, 100th Congress, 1st Session.

GORDON P. COTA**Maritime Expediter****1515 La Vista del Oceano Dr.
Santa Barbara, California 93109
805-965-1850**

Statement of

GORDON COTA

Pacific Coast Federation of Fishermen's Associations

and the

Fisheries Protection Institute

to the

House Subcommittee on Coast Guard and Navigation

Re: HR 172

9 December 1987

Mr. Chairman, members, my name is Gordon Cota. I am a Commercial Fisherman from Santa Barbara, California. Born and raised in Santa Barbara, I have fished there commercially for 18 years. I am here today representing the Pacific Coast Federation of Fishermen's Associations (PCFFA) and the Fisheries Protection Institute. PCFFA membership is made up of 24 commercial fishermen's organizations in California, Washington, and Alaska and includes my association: The Commercial Fishermen of Santa Barbara, Inc.

I wish to thank you for the opportunity to testify here today regarding HR 172, our concerns over the recent sinking of the PAC BARONESS, and our ideas on what might be done to improve navigation safety in the Santa Barbara Channel and, indeed, between the San Francisco Bay and Los Angeles/Long Beach.

GORDON P. COTA**Maritime Expediter**

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The sinking of the PAC BARONESS highlights the concerns of fishermen in the increasingly congested Santa Barbara Channel both for their own safety, and for the safety of the environment and the protection of those resources we depend upon for our livelihoods.

I would like to discuss the following:

- * The importance of the Santa Barbara Channel fishery
- * Traffic laws developed by the Liason Office
- * Leases already let that will be coming on line; increased crew boat and supply boat traffic
- * Other traffic/ past collisions
- * Possible ways to increase safety and protect the environment
 1. Vessel Traffic Reporting System such as utilized in San Francisco Bay and Puget Sound (Fishermen like them!) perhaps utilizing equipment on rigs that was mandated by the California Coastal Commission
 2. Request a study from the International Maritime Organization (IMO) to route all non-essential deep draft traffic in designated lanes outside of the Channel Islands into the Port of Long Beach or south.
 3. Request a study by IMO of connecting traffic separation lanes between the Santa Barbara Channel and San Francisco, moving as far offshore as possible (e.g. 100 fathoms) to protect inshore fishing fleets and the coast (in the result of a sinking or a ship becoming disabled).

Thank you very much.



Gordon Cota

CITY OF SANTA BARBARA

SHEILA LODGE
Mayor



CITY HALL
DE LA GUERRA PLAZA
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TELEPHONE: 805-961-0611 EXT. 701

December 7, 1987

The Honorable Earl Hutto, Chairman
Subcommittee on Coast Guard and Navigation
Merchant Marine and Fisheries Committee
U.S. House of Representatives
1334 Longworth HOB
Washington, DC 20515

RE: Maritime Safety in Santa Barbara Channel

Dear Chairman Hutto,

At the recent public meeting on maritime safety issues conducted in Santa Barbara by Congressman Lagomarsino, I was invited to submit additional information for the record for your Subcommittee's December 9th hearing. In particular, I wanted to provide current information on the status of oil and gas development in the Santa Barbara Channel. Offshore oil and gas activities have been cited by the U.S. Coast Guard as presenting the most significant potential conflict with navigation in the Southern California region (FR 27431, June 24, 1982). Thus, it is important for your Subcommittee to have recent information on current and projected exploration and development projects as activity levels increase. This marked increase, as evidenced by permit applications, project approvals, and the installation of new facilities, has occurred despite the difficult economic conditions prevalent throughout the petroleum industry. A summary of the current status of offshore activity in Santa Barbara Channel is attached.

The local forum provided by Representative Lagomarsino and the legislative approach presented by his bill, H.R. 172, has initiated discussion of a variety of possible means of enhancing regional maritime safety. A great number of suggestions were raised at the local meeting and I hope all alternatives will be carefully considered. Due to the complexity of the international jurisdictional issues, innovative Federal involvement will be required.

The recent sinking of the PacBeroneess just west of Santa Barbara Channel has been a vivid reminder of the hazards associated with commercial shipping. I noted in my testimony at our local meeting the extent of multiple uses in the Channel. As many of the activities increase, there is a greater potential for maritime

Hon. Earl Hutto
Maritime Safety
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accidents, threatening lives, property and resources. Included among the resources at risk are the extraordinary features, habitats and marine populations of the Channel Islands and surrounding waters. Congress has recognized these areas as unique and requiring special protection and management through their designation as a National Marine Sanctuary and a National Park.

Increased maritime safety in the Channel clearly will benefit local interests through reduced risk of loss or harm to life, property, and resources. However, it is significant that several of the major uses of the Channel are the direct result of development and utilization of national resources, i.e., oil and gas development, the enhancement of commerce through use of the shipping lanes, and travel to the Channel Islands National Park and National Marine Sanctuary. Thus, any improvements in maritime safety also will result in substantial benefit to national interests in safeguarding and enhancing these uses.

The goals of greater safety for all mariners using the Channel and enhanced resource protection through improvements to navigation warrant serious consideration. Due to recent and projected increases in oil and gas exploration and development, it is important that an evaluation of the most effective remedies be undertaken immediately. I appreciate the time devoted by your Subcommittee to the consideration of this issue and hope you will move expeditiously to adopt legislation to achieve our shared goals.

I am pleased to have the opportunity to contribute to your study of this issue. If I can provide any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sheila Lodge", with a large, sweeping flourish extending from the end of the name.

Sheila Lodge
Mayor

cc: Representative Lagomarsino

Enclosure

Existing and Projected Oil and Gas Activity
Santa Barbara Channel
Status as of December, 1987

DEVELOPMENT AND PRODUCTION PLATFORMS

Presently there are 23 production platforms installed in Santa Barbara Channel; 16 are on the Federal OCS and 7 are in State Tidelands. 16 of the platforms are clustered at the eastern end of the Channel, east of the City of Santa Barbara. A significant number of the facilities represent new development, with 4 of the platforms installed in the last two years.

Applications for 9 additional platforms have been filed and are in various stages of review and approval. All of the proposed development is west of the City of Santa Barbara. Approvals would result in a new total of 32 platforms.

Recent (Oct. 1987) projections by the State Lands Commission (SLC) of hypothetical additional platforms which may be proposed for installation in State waters in the Channel by the year 2000 range from 7 to 21 new facilities. Comparable recent estimates from the Minerals Management Service (MMS) for Federal facilities on the OCS range from 3 to 23 installations. (The high estimates have been provided by the agencies for purposes of air quality planning.)

Thus, estimates for total potential development in the next 13 years range from 42 to 76 development and production platforms in Santa Barbara Channel. Prior to 1982, there were 19 platforms in place in the Channel.

EXPLORATION ACTIVITIES

Estimates from MMS and SLC indicate that there are 52 federal and 35 state leases in the Channel and the southern Santa Maria Basin with a potential for exploration by the year 2000. The number of exploratory wells per lease may vary from 1 to 7.

CREW AND SUPPLY BOAT ACTIVITY

Crew boat trips originate from several piers in the Channel located at Port Hueneme, Carpinteria, and Ellwood. Port Hueneme at the extreme eastern end of the Channel continues to be the only supply base supporting all of the activity in the Channel and in the Santa Maria Basin north of Pt. Conception. Thus all of the supply boat trips for construction and operation of the existing and planned development at the western end of the Channel and in the Santa Maria Basin must travel the length of the Channel.

Frequency of boat trips to the offshore facilities varies depending on the operations. For purposes of illustration, estimates prepared for Exxon's proposed Santa Ynez Unit expansion, comprising three new platforms, call for two crew boat round trips daily. One supply boat round trip from Port Hueneme will be

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Page 2

required every other day.

MARINE TERMINALS LOADING LOCALLY PRODUCED CRUDE OIL

Recent activity levels at marine terminals in the Channel are shown below:

<u>Location</u>	<u>Operator</u>	<u>Activity</u>
Pt. Conception	UNOCAL	inactive
Gaviota	Texaco	6-18 tanker calls/yr; currently inactive due to construction of a new terminal at this site
Ellwood	ARCO	60 barge loadings/yr
Las Flores/ El Capitan	Exxon - OS&T	80 tanker calls/yr
Carpinteria	Chevron	inactive

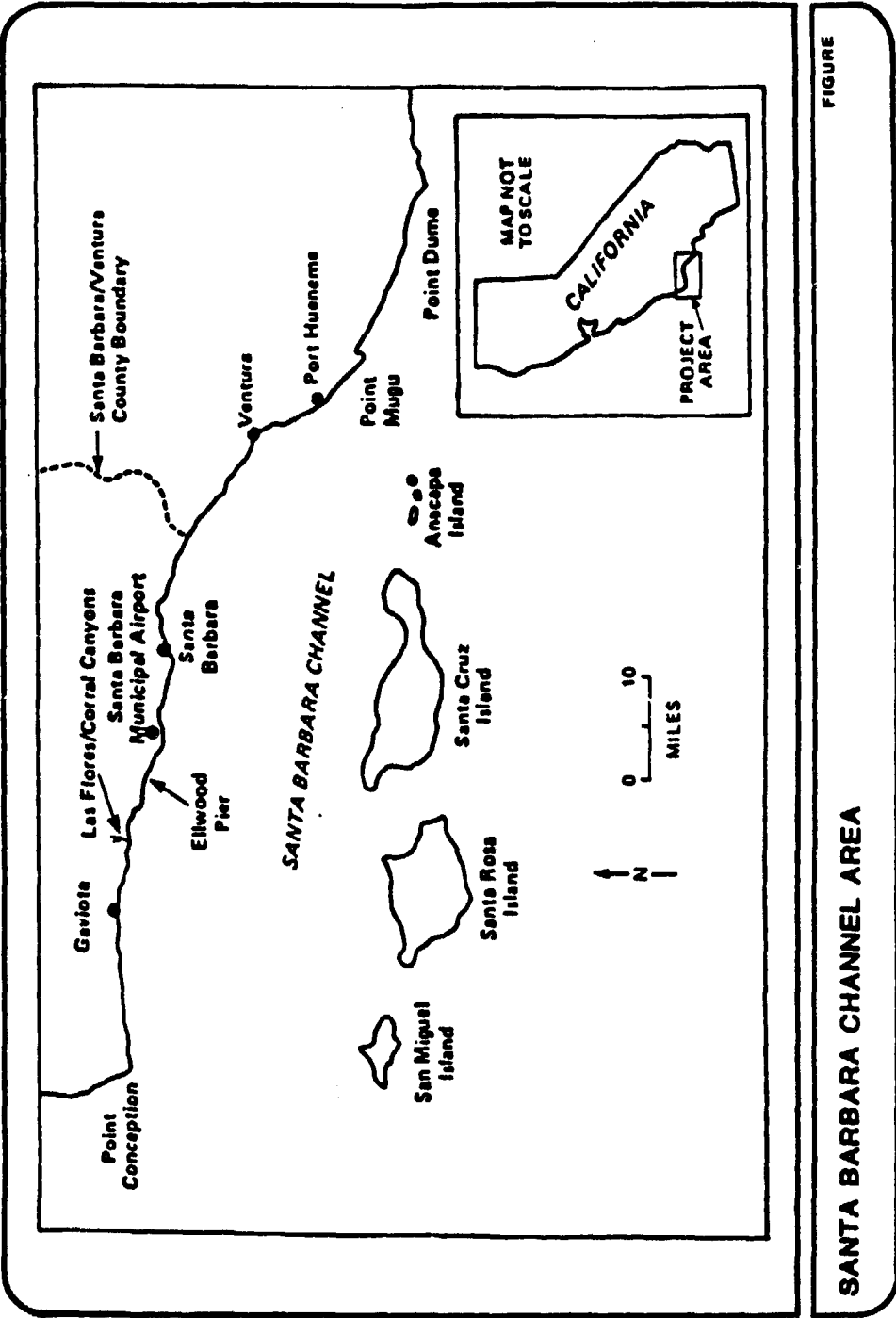
A new Interim Marine Terminal has been permitted at Gaviota and is currently under construction. This will replace the old facility at Gaviota and will be able to handle an increase in throughput to approximately 137 tanker calls per year.

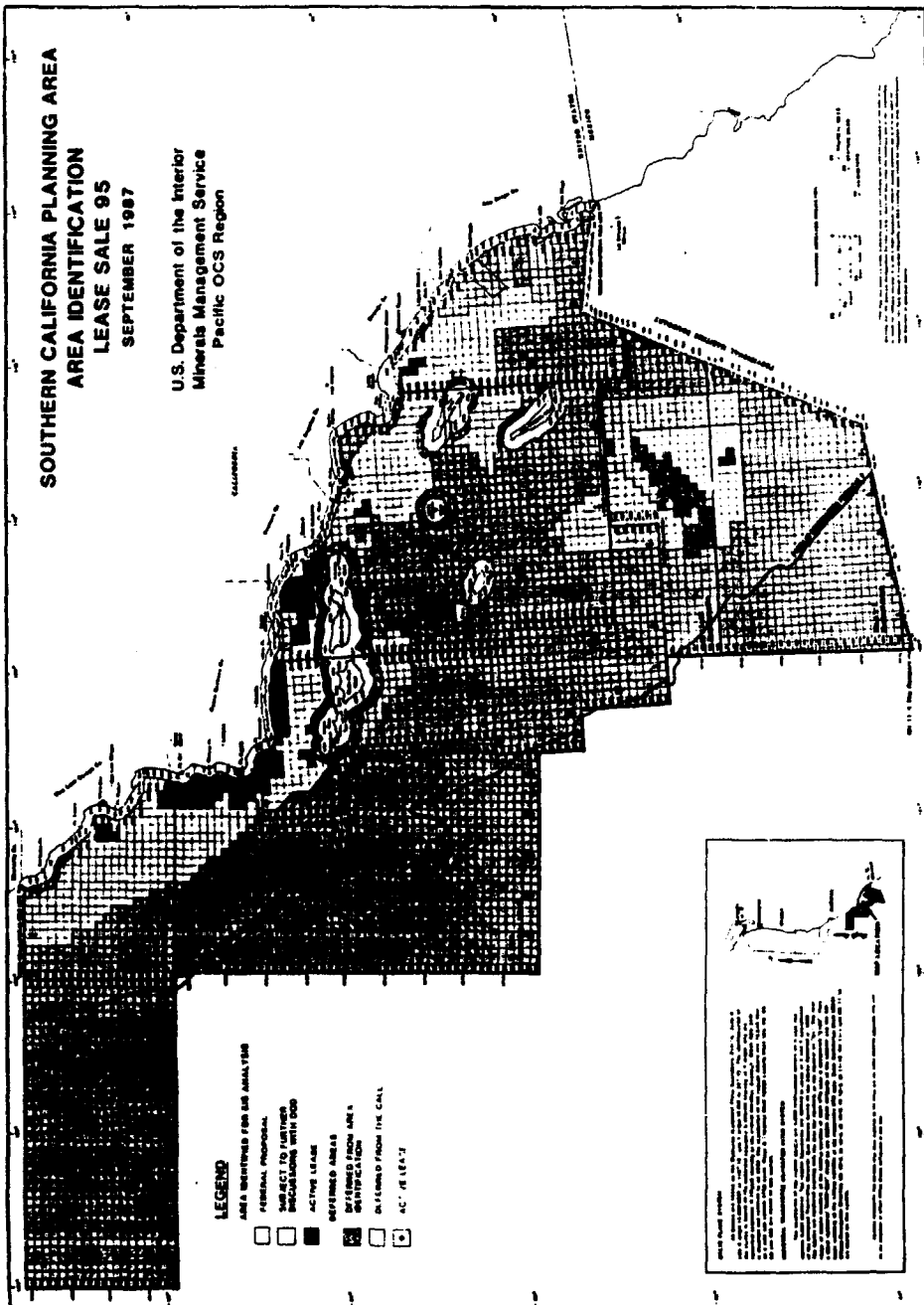
Exxon is seeking permits for a Consolidated Marine Terminal at Las Flores which would handle up to 175 tankers a year for Exxon and could service up to 350 tankers a year including other producers. This terminal will only be built if needed, consistent with local policies, and would replace the Interim terminal at Gaviota. Shipments from Exxon's OS&T will cease when their Santa Ynez Unit expansion is operational.

LEASING

MMS is planning Lease Sale 95 for Southern California in 1989. All of the Channel not already actively leased which is not excluded as the Channel Islands National Marine Sanctuary and the Federal Ecological Preserve and Buffer Zone off Santa Barbara will be offered. Tracts in the shipping lanes, navigation buffer zones, fairways, and precautionary areas have not been excluded.

The State Lands Commission is conducting an environmental review of possible issuance of exploration rights for tracts along the coast between Pt. Conception and Pt. Arguello.







County of Santa Barbara

RESOURCE MANAGEMENT DEPARTMENT

Dianne Guzman, AICP, Director

Energy Division

December 7, 1987

Chairman Earl Hutto
Subcommittee on Coast Guard and Navigation
House of Representatives
1334 Longworth Dr.
Washington DC 20515

Dear Chairman Hutto:

The Santa Barbara County Resource Management Department is appreciative of the time and interest taken by several members of the Subcommittee on Coast Guard and Navigation to come to Santa Barbara to hear local concerns with respect to marine safety in general and the Pac Baroness/Atlantic Wing collision off Point Conception in specific. The local meeting provided a needed forum for concerned citizens, fishermen and local officials to express their thoughts on marine vessel safety, emergency response and the potential for rerouting tanker traffic south of the Channel Islands.

The County's concerns regarding marine safety and the County position on rerouting the shipping lanes south of the Channel Islands were expressed at the local meeting. This letter reconfirms those concerns and constitutes a formal statement to the Subcommittee on marine safety in the Santa Barbara Channel. We request that this statement be included in the official hearing record.

The recent Pac Baroness/Atlantic Wing collision off the coast of Santa Barbara County has brought into the limelight concerns regarding marine safety in the Santa Barbara Channel. However, the issue is not a new one to Santa Barbara County. Tanker traffic entering the channel to transport oil produced off Santa Barbara's shores brings with it an increased likelihood of a major spill or accident. In conjunction with many new and proposed offshore platforms, the additional marine traffic poses a potentially serious threat to the offshore marine environment if a spill occurs.

In response to this concern, Santa Barbara County has

initiated a study to assess cumulative vessel traffic safety in conjunction with offshore oil and gas development. The County's Marine Emergency Management Study is being funded by marine terminal applicants and will include an assessment of existing emergency response capabilities in the Santa Barbara Channel area. It is essential that we receive active participation from the United States Coast Guard during the preparation of the study. Only through the cooperation of state, federal and local agencies and industry can we come up with a coordinated and cooperative system that assures adequate protection of the local coastline from an oil or hazardous material spill or fire.

In particular, we feel that the Santa Barbara Channel area has not been given the priority it deserves relative to Coast Guard resources. The current Coast Guard Oil Spill Contingency Plan for the Channel area was last updated in 1979. Since that time we have experienced a large increase in offshore oil and gas development, a trend which is likely to continue in the future. The unique circumstances posed by oil and gas development in the Channel in conjunction with relatively dangerous weather conditions, an abundance of important biological resources, and the presence of the Channel Islands National Marine Sanctuary, point to the need for additional planning resources in the Santa Barbara region. Some of the problems encountered in responding to the Pac Baroness/Atlantic Wing collision support the need for an updated and coordinated planning effort.

The Coast Guard and the National Oceanographic and Atmospheric Administration have been working with local government in the San Francisco Bay area in a cooperative effort to develop a comprehensive emergency response program. Similar coordinated efforts took place in Virginia after a collision of two container ships sent a toxic cloud onshore. A similar exercise in this area is necessary.

The principal concern is, of course, reducing the likelihood of an accident in the first place. The Resource Management Department supports preventative measures which would make the Channel a safer place. We feel that Congressman Lagomarsino's proposed bill (HR 172) has opened up a needed dialogue on the problems of vessel traffic offshore Santa Barbara County. As was emphasized by many parties at the local meeting of the Subcommittee, rerouting the shipping lanes south of the Channel Islands for Alaskan tanker traffic or United States flag ships only is not necessarily the answer.

Any further discussion of the diversion of vessel traffic outside the Channel should consider the following environmental concerns in some detail.

First, as was pointed out by local fishermen, rerouting only some traffic will result in preclusion of two large areas of offshore fishing grounds, as opposed to only one. Many prime fishing areas have already been impacted by exploratory drilling rigs, seismic vessels, production platforms and support vessel traffic. Even with the rerouting of US flag vessels, tankers transporting offshore oil via local marine terminals will still need to enter and exit the Channel.

Secondly, the question of the benefits and detriments of tanker rerouting to the regional air quality situation must be addressed. Any air quality analysis should focus on the emissions tradeoffs of vessel traffic traveling inside vs. outside the Channel. Consideration should be given to the following points:

- 1) The travel distance around the islands would be longer. This may result in greater total emissions than the inside route. It is possible that vessels would cruise at higher speeds to cover the longer distance more quickly; the increased load on the engines could result in increased short-term emission rates.
- 2) Further analysis is necessary on the relative differences in onshore ozone impacts with various vessel routing scenarios. The analysis should include an examination of the windfields and/or modeling.
- 3) The distance from emission sources to the Channel Islands should be evaluated. If vessels are closer to the islands, this could result in greater short-term impacts to sensitive receptors on the islands and within the Channel Islands National Marine Sanctuary.
- 4) Based on the inventory of emissions being prepared for the update of the County's Air Quality Attainment Plan (AQAP), the percent of emissions from U.S. flag ship vessels versus foreign vessels is relatively minor. This fact should be

considered in weighing the relative merits of rerouting only US flag ship vessels.

CHANNEL SHIPPING EMISSIONS IN TONS PER YEAR

	Reactive Hydrocarbons (RHC)	Oxides of Nitrogen (NOx)
U.S.		
-motor ships	42.43	274.57
-steam ships	2.93	244.50
U.S. TOTAL	45.36	519.07
FOREIGN		
-motor ships	454.20	2,366.50
-steam ships	1.42	115.00
FOREIGN TOTAL	455.62	2,481.50
OVERALL TOTAL	500.93	3,000.57
U.S. % OF TOTAL	9%	17%

Source: Santa Barbara County Air Pollution Control District, Air Quality Attainment Plan Update, 1985 Draft Emissions Inventory, 1987.

Third, the potential for an oil spill reaching the islands and the Channel Islands National Marine Sanctuary needs to be evaluated. An analysis of the prevailing wind and current conditions should be conducted and trajectory models utilized to predict the impact of potential spills. This information should then be compared to the impacts of maintaining the shipping traffic within the Channel.

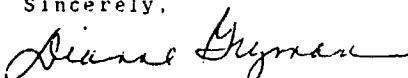
Fourth, the ability to respond to a major accident or fire south of the islands should be looked at. The time necessary to respond to an accident and the availability of equipment and manpower should be assessed.

Finally, as you are aware, the major portion of Channel shipping traffic travels under foreign flags. Mechanisms to ensure that these vessels comply with federal and state standards for safety and pollution control should be continually pursued and better enforcement procedures explored.

In conclusion, we feel that moving the shipping lanes for some vessels outside of the Channel does not fully address the issues of marine safety in the area beyond the shipping lanes (e.g. where the Pac Baroness collided with the Atlantic Wing), foreign flag vessel traffic, and potential impacts to air quality and marine resources. Preventative measures, such as a vessel control and communication system, will be addressed in the County's study, which we hope will lead to further discussion by your sub-committee.

We appreciate the opportunity to comment on this issue and look forward to a continuing dialogue.

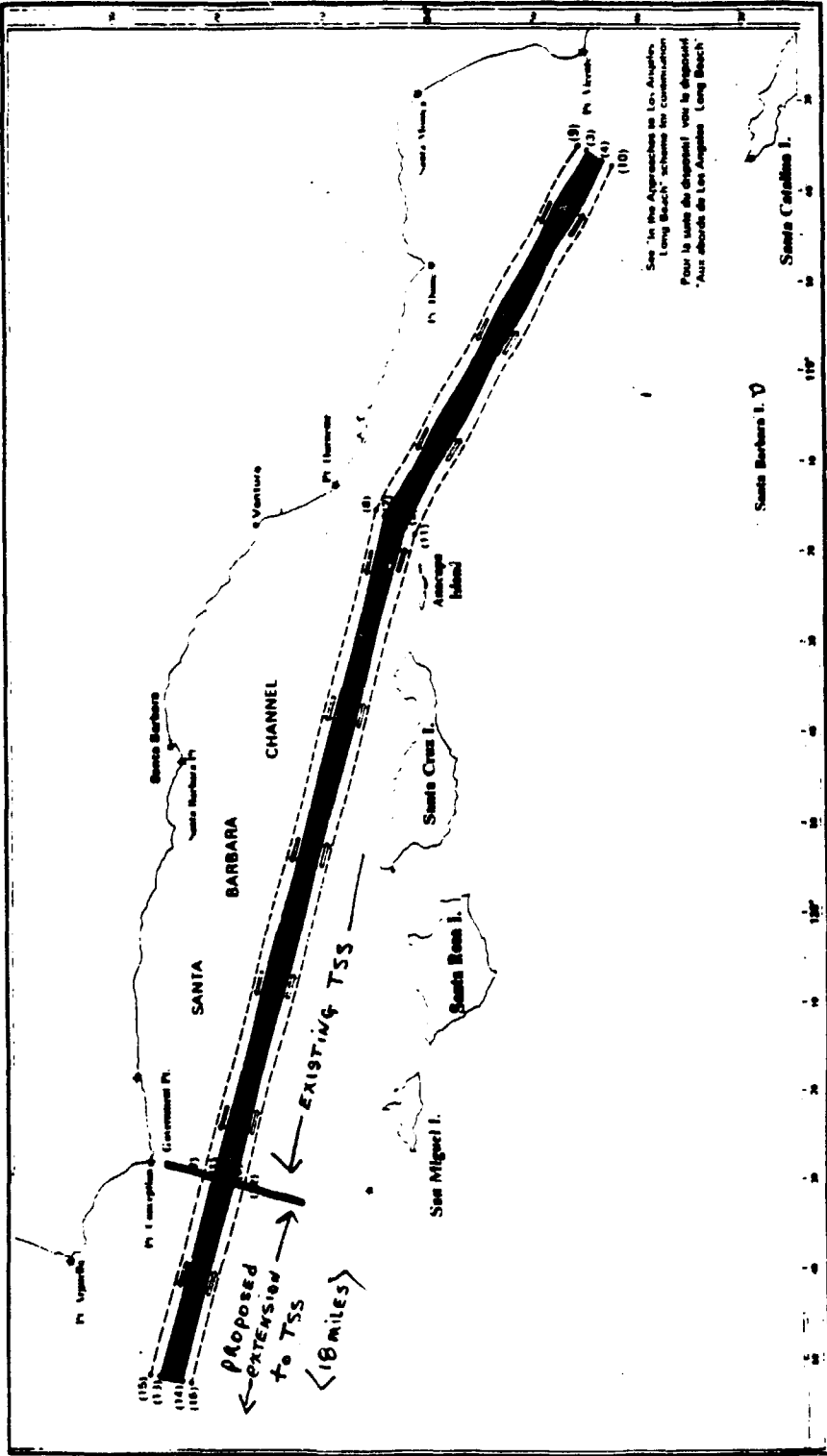
Sincerely,



DIANNE GUZMAN, AICP
Director

cc: Congressman Lagomarsino
Members, Board of Supervisors
James Ryerson, Air Pollution Control Officer

ALM:TOS:MEMS



IN THE SANTA BARBARA CHANNEL - DANS LE CHENAL DE SANTA BARBARA

ADOPTED BY IMO, TO BE IMPLEMENTED

12/6/87
Lompoc, Ca.

TO: Chairman Earl Hutto
Subcommittee on Coast Guard and Navigation
U.S. House Of Representatives

FROM: Michael J. McDermott

SUBJECT: Hearings on Santa Barbara Channel Safety

Dear Sir:

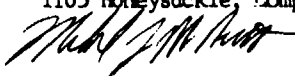
I would like to forward to you a copy of my remarks before the informal hearing held by Congressman Lagomarsino in Santa Barbara on the 23rd of November, for inclusion in the formal record of this full subcommittee. I believe it is important that I point out once again the critical nature of the Pt. Arguello/Conception area and the need to focus specifically on the Precautionary Zone at the end of the Traffic Lanes located there.

All proposals that I have seen up til now concentrate on the Traffic Separation System itself, when it is really the Precautionary/Transit Zone at the western end of the lanes that gives Mariners the most trouble. It is this location that saw the Pac-Baroness/Atlantic Wing collision occur, despite supposed radio warnings of its imminence, as well as many other Maritime disasters over the Years. The newly proposed Traffic Lanes which are being considered end in essentially the same location as did the old ones, and do little to deal with the most dangerous part of the journey, rounding what Richard Henry Dana once called in his book Two Years Before The Mast "The Cape Horn of California."

I would be most willing to speak before your committee on this or other maritime issues, including that of the Coast Guard, which I believe I can bring a new and insightful view of.

Thank You

Michael J. McDermott
1105 Honeysuckle, Lompoc, Ca. 93436



11/23/87
Santa Barbara, Ca.

TO: Congressional Investigation Committee
FROM: Michael J. McDermott, Citizen
SUBJECT: Maritime Safety and the Santa Barbara County Coast

My name is Michael McDermott, of Lompoc, Ca., and I am a 1979 graduate of the California State Maritime Academy with years of experience as a Licensed Deck Officer in the Merchant Marine, and many passages as Watch Officer on Tankers transiting the Santa Barbara Channel. I have also been involved for some time now with the environmental impact assessment process for Offshore Development, with a particular emphasis on Systems Safety Issues. In addition I am also an Honorably Discharged Veteran of the U.S. Coast Guard, and am currently serving on the advisory panel for the State of California's Offshore Transportation Disasters Study.

I would like to take this opportunity to share four points of concern I have in regards to the Pac Baroness incident and its relation to Maritime Safety on our Coast.

Point #1. While most inquiries are focusing on the events that led up to the collision and the aftermath of the sinking, I believe that there is a real need to look at the events and decisions surrounding the 11 hour interval between the collision and the sinking. In light of the controversy over the Coast Guards' botched handling of the Tanker Puerto Rican fiasco, I believe that there needs to be an independent investigation of the true facts surrounding this incident, from the preplanning to the execution of such actions as were taken.

In the first Newspaper report of the accident a Coast Guard Spokesman is Quoted in the Lompoc Record as saying " The ship is set in watertight integrity, that means its not going anywhere- down or anywhere." Later, at a news conference, when asked about the repeated-specific warnings about just such an event in this very location, a Coast Guard Captain explained that Pt. Arguello is no different than anywhere else on the coast, obviously he had never bothered to read the U.S. Coast Pilot which refers to the Pt. Arguello area as one of the 'Most Dangerous on the Coast'

Point #2. I find it ironic that the September-87 issue of the Coast Guards' own Safety Magazine 'Proceedings of the Marine Safety Council' contained an article about how the Hampton Roads Virginia-Marine Safety Office had successfully conducted a test of its Emergency Response Plan, using of all things a simulated Ship Collision. **This Plan makes a point of including Local Jurisdictions and Responders in the process, something our local Coast Guard appears uninterested in,** indeed it appears that Local Authorities were among the last to be informed about the Pac Baroness incident, despite its potential for major impact on Local Jurisdiction. It is worth mentioning that the same Safety Magazine had on its cover a picture of the Coast Guards idea of a well dressed Firefighter, to make a long story short **their Firefighting Equipment was obsolete decades ago and is nothing short of criminally dangerous in today's world,** something the recent Fire on the U.S.S. Stark highlights all too clearly.

There is a **tremendous need for Local Marine Disaster Response Capability** able to deal with the types of hazards we can expect in this area, Particularly with the massive and poorly controlled development taking place. Both the county of Santa Barbara and the State are working on studies in this area, it is essential that the Federal Government take part as well.

Point #3. There is also a tremendous need to study the true impact of offshore development on the Safety Question, particularly in light of recent revelations about Falsified Safety tests and Records on Texaco Platform Harvest. In an attached newspaper article you can read how these things are done and **how anyone Honest enough to Obey the Law can be ostracized from the Oil Industry and lose their livelihood.** I have other stories from personal experience how shippers and others deliberately skirt around the rules, often thanks to the **lax enforcement policies of agencies such as the Minerals Management Service and Coast Guard.**

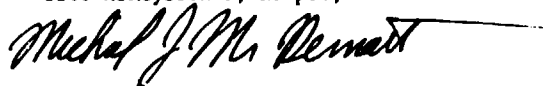
Rig fields can also effect vessels by reducing the amount of Sea Room they have available to maneuver in, **Particularly in the highly Dangerous Pt. Arguello/Conception area.** I myself was once on a 70,000 ton Tanker that lost power off Pt. Reyes, Ca. and made an 8 mile long 180° Turn, had we been near a rig the results might have been horrible.

Point #4. The fact is that Offshore Safety has taken a back seat to the stampede to develop the last remnants of our rapidly dwindling fossil fuels. The M.M.S. is content to sit back and believe any story Big Oil tells them rather than check it out themselves, Senior Coast Guard Officers with the responsibility for this area have retired into cushy jobs representing the same interests they were til recently responsible for regulating. And while none of this is illegal, I believe it to be ethically odious, and an insult to the Intelligence of those who know better when such officials tell us that everything's just fine.

I have included further reference material on these subjects as part of my submission. It is my belief that had we been prepared to deal in a realistic manner with Maritime Disasters we may well have been able to prevent the sinking of the Pac Baroness or at least mitigate it to an extent. Eleven hours is a long grace period to work with, provided you are prepared and equipped to do so, if you are not then it is no time at all and you can do little more than watch things happen, which is all that appears to have been done this time, Please- Lets not make it a habit.

Thank You

Michael J. McDermott
1105 Honeysuckle, Lompoc, Ca.

A handwritten signature in black ink that reads "Michael J. McDermott". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Texaco settles lawsuit

Ex-platform worker accepts \$560,000

By Keith E. Dutton
News-Press Staff Writer

A former oil drilling supervisor fired after he exposed the faking of an equipment safety test on Texaco's Platform Harvest has accepted a \$560,000 settlement to drop a \$10 million lawsuit against his former employer.

Meanwhile, the News-Press has learned that a federal grand jury in Los Angeles is hearing testimony about illegal acts that the whistleblower, Avery Cook, said occurred in late 1988 on the 50-well platform 13 1/4 miles northeast of Point Conception.

The jurors could return criminal indictments against several former and present platform workers, a reliable source who asked not to be identified told the News-Press Friday.

Cook, 42, of Desert Hot Springs is a former \$4,200 a month chief driller, or "tool pusher" on Platform Harvest. He already has received the first installment of the \$560,000 that will be paid to him by Helmerich and Payne, a drilling company based in Tulsa, Okla., his Los Angeles attorney, Michael L. Stern, said Friday.

The settlement, for "wrongful termination, emotional distress and back pay," vindicates his client "who has been called a communist" for exposing wrongdoing on the \$180 million oil and gas platform, Stern said.

Cook was fired and said he has been "blacklisted" by the oil industry for disclosing that Texaco supervisors and other Helmerich and Payne drilling deck workers falsified records to cover up a

Texaco

Continued from Page A 1

botched test of an emergency safety system designed to control gas blowouts in deep-sea wells.

Cook told the federal Minerals Management Service, the Environmental Protection Agency and the News-Press in January that platform records were doctored to show that the drilling crew had thoroughly checked the system when in fact they never finished the test.

Texaco officials acknowledged that the coverup had occurred. John Aucott, director of public affairs, said two Helmerich and Payne workers involved in the coverup were removed from the platform at Texaco's request.

A Texaco drilling supervisor was fired, Aucott said. He was identified by Cook in his lawsuit as Robert Brogdon. Two Helmerich and Payne employees, identified as David Patterson and Michael Conners, were the men Aucott said were transferred off the platform, according to Cook.

However, a Helmerich and Payne spokesman in Ventura told the News-Press Friday that Patterson still works on Platform Harvest. And Conners is now

working on Unocal's Platform Irene, 4 1/2 miles offshore from Vandenberg Air Force Base, he said.

Cook filed a \$10 million suit against the drilling company in May, alleging that he had been fired "in retaliation for (his) refusal ... to cover up violations of federal laws, rules and regulations concerning worker and environmental health and safety."

Besides the fake certification of the Dec. 29 blow preventer test, Cook told federal investigators of other illegal acts involving work that was not actually done. He also alleged that a Texaco supervisor had ordered that drilling muds contaminated with mineral oil be dumped into the ocean off the platform. Texaco has denied that allegation.

Sources in Los Angeles told the News-Press that the grand jury could issue perjury indictments in connection with statements made by some workers to federal investigators. The faking of test records is both illegal and an abuse of a Minerals Management Service practice of relying on oil company records to satisfy federal officials that offshore safety rules and regulations are being obeyed.

The grand jury has held two sessions on the Platform Harvest matter. But Janet Goldstein, an assistant U.S. attorney, said she cannot

discuss any investigation and "cannot even say that the grand jury is meeting."

In Tulsa, Leon Gavras, a Helmerich and Payne attorney, confirmed that the jury is investigating the Platform Harvest incidents and said "several of our people have been called" to testify.

Gavras declined any further comment on the investigation and the Cook lawsuit settlement, saying "it would be improper to discuss it while the grand jury is meeting."

Cook said Friday he has been called "a card-carrying communist" by one former supervisor on Platform Harvest because he blew the whistle on actions he felt were endangering the lives of everyone on the platform.

He has been without work since January and cannot find another job in the oil industry, where he had worked for 14 years, Cook said. He is considering getting a college degree and will use the settlement "to buy a house and pay off my bills."

The physical and mental ordeal since he was fired in January has taken its toll on him, his wife, Mary, and his two daughters, Caroline, 18, and Robin, 14, Cook said. He added, "My wife has been won-

Design by Disaster: A Shipboard Fire Results in a New Contingency Plan

A 1982 shipboard disaster on the Columbia River in Washington prompted local officials to take a closer look at their maritime fire-fighting capabilities. The result was the MFSA, a multi-agency association formed to regulate and upgrade ship fire suppression skills and equipment.

By HAROLD STEELE
Chief, Vancouver (WA) F.D.

We in the fire service often plan for major emergency incidents after the fact. This planning is sometimes referred to as "design by disaster." The following is a brief summary of a "design by disaster" following a shipboard fire in the Columbia River region of the Great Northwest.

The Incident

In February 1982, the 600-foot grain ship Protector Alpha caught fire while being loaded in Kalama, WA, on the Columbia River. The shipboard blaze raged for 72 hours before it was controlled. The local fire district was

not trained or equipped to respond, and believed its boundaries ended at the pier. The ship's foreign crew abandoned her.

The vessel was set adrift in the river while burning, before firefighters aboard could be evacuated. The ship eventually ran aground. One Coast Guardsman was killed, and another firefighter injured while battling the fire with meager resources. Damage to the ship exceeded \$15 million.

While serious shipboard fires are unusual, they are not unknown—as the Protector Alpha incident shows. The stakes can be extremely high, as was the case. In addition, a single incident in the Columbia River could block the shipping lane or damage a key facility, effectively choking the region's commerce.

In the aftermath of the Protector Alpha incident, the U.S. Coast Guard called together the maritime community and local fire agencies, forming an ad hoc committee. While the U.S. Coast Guard is thought to be responsible for ship fires, its authority and responsibility to handle shipboard incidents is not comprehensive. In fact, no single entity has the responsibility for fighting ship fires along the river. The committee found serious deficiencies in the region's capability to handle shipboard, as well as water-front fires.

In response, the group organized the Maritime Fire Safety Association (MFSA). The new organization's purpose was to put in place a system to ensure an adequate, timely, well-coordinated response to ship fires over the entire 110-mile channel of the lower Columbia River.

One of the major problems is that the lower Columbia region is served by multiple jurisdictions; two states, seven counties, 14 cities, seven port districts and over 20 local fire departments of varying sizes (see Figure 1). Compounding the problem, fire district boundaries in both Oregon and Washington generally end at the shoreline.

Maritime Fire Safety Plan

Early in 1984, consultants working on behalf of MFSA were retained to prepare a plan for handling ship fires on the lower Columbia. The consultants conferred with many parties affected by marine fires, including the U.S. Coast Guard, local fire agencies, port authorities in Oregon and Washington, local private terminal operators, shipping companies and tug



West coast marine firefighting

Ranked Last

Among four salvage capabilities

By B. Glenn Ledbetter

All nine hundred passengers and crew aboard the cruise ship *Prinsendam* were saved after the vessel caught fire in the Gulf of Alaska in 1980. As a rescue operation, the incident was a great success. As a marine firefighting and salvage operation, it was not. Salvage of the vessel was not undertaken — she burned and sank.

This was one of 14 noteworthy ship casualties cited in the 156-page report, *Marine Salvage in the United States*, issued in 1982 by the Committee on the National Salvage Posture of the Marine Board of the National Research Council. The council is the principal operating agency of the National Academy of Sciences, National Academy of Engineering, and Institute of Medicine.

The report focuses on "serious casualties" involving damages over \$100,000, pollution incidents, and total losses.

According to the report, there were 285 such casualties in the U.S. during 1976 to 1979. Forty-four of these were in the Pacific study area, and only four of these were classed as "fire and explosion" based on U.S. Coast Guard data.

Such events are known to risk analysts as "low probability/high consequence" events — in other words, they are rare but awful.

During 1973 to 1980, says the report, major salvage companies actually responded to 87 time-critical salvage incidents in the Pacific region. Only three are listed as firefighting responses.

It is not the small number of shipboard fires, however, that drives the maintenance of firefighting capability — it is the potential consequences of

those fires, the report says.

Oil fires vs. ship fires

Firefighting techniques developed for the offshore oil fields have potential application for fighting shipboard fires, says the report.

"The portable systems that have been developed are of limited application in salvage, however, for several reasons," reads the report.

"Necessary engineering has not been undertaken to integrate the portable systems with the in-place firefighting equipment found on ships.

"The techniques apply principally to LNG/LPG, crude oil, and refined petroleum products, and are being extended to other products, such as chemicals and coal, only when the occasion arises to fight such a fire.

"Furthermore, the techniques are well known to, and understood by, only a relatively few people associated with a few specialized firefighting firms in the Gulf of Mexico region... Some steps available to salvage companies that would improve the engineering of marine firefighting and their preparedness include increased training in firefighting and the development of a modular package of adapters to facilitate integrating portable systems with shipboard systems.

"The extension of present oil fire techniques to a wider variety of cargoes and to ships would be a fruitful area for technological development," according to the report.

Pacific region

To assess capabilities in various regions of the U.S., the committee was split into regional subcommittees or study teams. The Pacific group examined a number of severe, but ~~common~~ ^{uncommon} ship casualties and salvage responses, including:

- Stranding of tanker off Oahu, Hawaii.
- Ramming of oil production platform in Cook Inlet, Alaska by a roll-on/roll-off ship.
- Collision of container ship and crude oil tanker at entrance to Strait of Juan de Fuca, Wash.
- Collision of LNG tanker and fish processing ship off Kodiak, Alaska.
- Stranding of ammonia tanker off the coast of Oregon.
- Structural failure of chemical tanker carrying benzene off San Francisco, Calif. (The tanker cracks and breaks in two, after which the stern sinks and the bow drifts.)
- Tanker fire in Prince William Sound, Alaska.
- Stranding, fire and explosion of petroleum products tanker at Long Beach, Calif.

The latter case was to assess firefighting and vessel stabilization capability in southern California.

The test results cited in the report for this case were that "there is inadequate local firefighting capability. A minimum of 12 hours would be required to obtain specialized mobile firefighting expertise and equipment. The adequacy of this equipment is not established. Jurisdictional problems and public concerns could hamper emergency response."

Based upon analyses of these scenarios, on-site visits of facilities, and other study methods, the committee reported that "Physical salvage assets and capability are generally adequate [i.e., in satisfactory dynamic equilibrium for the present level of risk] with two exceptions: trained personnel for fighting major shipboard fires; and technology for dealing with some hazardous cargoes."

**TESTIMONY OF HANS ANDERSEN, MARITIME CONSULTANT
BEFORE THE HOUSE COMMITTEE OF MERCHANT MARINE
ACTIVITIES AND FISHERIES
DECEMBER 9, 1987**

Congressional Members of the Committee, Ladies and Gentlemen:

I am pleased to have the opportunity to provide testimony to this committee on the perceived problems of maritime safety in the Santa Barbara Channel of California. The unfortunate collision of September 21, 1987, between the ATLANTIC WING and the PAC BARONESS has focused a great deal of attention on this body of water. What is unfortunate is that this one accident seems to be the product of several human errors and a lack of seamanship on the part of the foreign watchkeepers.

The bill before you now asks that Alaskan tanker traffic be prohibited from entering the Santa Barbara Channel. Since Alaskan crude is not sent to foreign nations but to other American ports it falls under the Jones Act and must be transported in American owned and operated vessels. The interesting fact is that these vessels already bypass the Santa Barbara Channel on their southerly route as their destination is either the Gulf/Atlantic ports or the Panama Canal. Therefore, the issue at hand is in reality a mute issue.

The major problems that remain in our local waters are therefore not caused by the Alaskan traffic. International trade around the Pacific Rim is rapidly growing and most of this trade is between the industrial nations of Japan, the Republic of Korea, and the Republic of China (Taiwan). The ships follow the great circle sailing routes and approach Los Angeles from the northwest entering our coastal traffic schemes at Point Conception, the head of the Santa Barbara Channel.

Since the vast amount of these ships are foreign flagged they are not obliged to obey your statutory regulations as long as they comply with 72 COLREGS, the Rules of the Road. Because our traffic separation lanes are charted with the International Maritime Organization they appear on all published charts. All ships from signatory nations are expected to comply with these traffic separation schemes. Most ships' masters do comply; some, unfortunately, do not. We have the capabilities of putting real teeth into these traffic lanes and control the traffic from shore based control stations in much the same fashion as air traffic controllers. This type of control has been implemented in the international waters of the Straits of Dover and has worked well.

Testimony of Hans Andersen, Maritime Consultant
 before the House Committee of Merchant Marine
 Activities and Fisheries
 December 9, 1987
 Page 2

At the sub-committee meeting of this body last month in Santa Barbara, local concern was voiced from several interests. Some of them are speaking before you today. I would like to take a few minutes to address these voiced concerns. Local recreational boaters have expressed concern over the collisions and mysterious disappearances of yachts in the Santa Barbara Channel. It has been alleged that small boats have been run down in the Channel by the large ships in the traffic lanes. First, small fiberglass vessels are basically radar invisible until close to the radar emitter. At that range the radar observer does not see the vessel because of sea return! Second, recreational boaters in this country are not required to provide any proof of competency to sail the seas. For the most part, recreational boaters do not have the knowledge to safely sail the seas, especially around other vessels. They simply do not know the Rules of the Road and believe in the old wives' tale that says, "Sail has right-of-way over all other forms of propulsion." This type of thinking makes them dead! Third, a small white sail boat is extremely difficult for even the best watchkeeper to see in restricted visibility, such as fog, or when the sea is whipped into whitecaps by a near gale.

Local fishermen put to sea in small boats to make a living harvesting our good, local fisheries. In an attempt to save what they perceived as prime fishing grounds they have fought a protracted battle with the oil exploration companies in the Channel and have lost. Now they want the water in the traffic lanes. Although these fishermen are at sea most of their days, there is an amazing lack of knowledge on their part. Their spokesmen spoke eloquently about the failure of the large ships to answer their radios when called by the fishermen. The fishermen want to inform the large ships what their intentions are in regards to the navigation of their vessels. Perhaps the fishermen should read the NAVIGATION RULES, especially Rule 10.

TRAFFIC SEPARATION SCHEMES

- (a) This Rule applies to traffic separation schemes adopted by the Organization.
- (b) A vessel using a traffic separation scheme shall:
 - (i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;
 - (ii) so far as practicable keep clear of a traffic separation line or separation zone;
 - (iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

Testimony of Hans Andersen, Maritime Consultant
before the House Committee of Merchant Marine
Activities and Fisheries
December 9, 1987
Page 3

TRAFFIC SEPARATION SCHEMES - continued

- (c) A vessel shall so far as is practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.
- (d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 meters in length and sailing vessels may under all circumstances use inshore traffic zones.
- (e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation zone except:
 - (i) in cases of emergency to avoid immediate danger;
 - (ii) to engage in fishing within a **separation zone**, (emphasis added)
- (f) A vessel navigating in areas near the termination of traffic separation schemes shall do so with particular caution.
- (g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.
- (h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.
- (i) **a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.** (emphasis added)
- (j) **a vessel of less than twenty meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.** (emphasis added)
- (k) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.

Why then does the fisherman need to communicate with the large ship when he is not supposed to be fishing within a traffic lane or impeding the progress of the larger ship. Rules of the Road give the ship the obligation to maintain speed and course!

Since we do have traffic separation schemes through the Santa Barbara Channel, it is apparent to this observer that there should be a local control station set up to control vessel traffic through the Channel. The local fishermen are opting for guide boats and coastal pilots. Obviously they are seeking a less strenuous way of making a living than fishing by converting their vessels to guide boats and themselves to pilots. That plan is expensive and self-serving.

Testimony of Hans Andersen, Maritime Consultant
before the House Committee of Merchant Marine
Activities and Fisheries
December 9, 1987
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The idea of using coastal pilots has also been brought up by Congressman Young of Alaska. Pilots do not provide the margin of safety that is required for this coastline. We can all remember the Tampa/St. Petersburg pilot that ran a ship into the bridge and then, rammed a United States Coast Guard buoy tender with another ship. In reality what we would be doing with coastal pilots is exchanging one hazard for another.

The best control of the Santa Barbara Channel is with the shore based controllers. This system can be implemented through the International Maritime Organization and can be made compulsory to member nations. Clearly, this is the safest and most cost efficient solution to maritime safety in the Santa Barbara Channel.

Thank you for your attention.

Hans Andersen MG

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